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Living and working conditions of the migrant farm worker were investigated to develop corrective legislation and arouse sympathetic public opinion. The report (1) describes characteristics of migrant farm workers and families, (2) itemizes migrant health projects in existence, (3) narrates observations of tours to migrant labor camps, (4) reports public hearings, (5) itemizes bills introduced concerning migrant laborers, (6) contains reports from the Department of Social Welfare, State Education Department and the State Council of Churches, and (7) summarizes committee activities and accomplishments. Findings showed migrant worker families to be living under conditions which equated in some instances the worst city slums. Recommendations include changes in legislation to (1) extend present codes to smaller camps and year-around laborers, (2) expand the Child Welfare Centers, (3) amend the minimum wage law to include agricultural workers, and (4) include farm laborers under insurance programs. (DM)

STATE OF NEW YORK

1967 REPORT

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JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

Legislative Document (1967) No. 4

When we enjoy fresh vegetables at our dinner table each evening, most of us don't think of the difficult and low-paid labor that went into the harvesting of those vegetables. This labor is supplied for the most part by migrants from the South and from Puerto Rico.

It is not a very pleasant life, following the crops. The work is hard, the pay is low, the living often squalid, home life difficult, and no one pays much attention to their problems. And sometimes those that benefit the most from the sweat of the migrant's brow — that is, the people living in the agricultural areas — treat them the worst.

Cover Photo Courtesy of Newsday, Long Island, New York

Legislative Document (1967) Doc. No. 4

STATE OF NEW YORK

REPORT
OF THE
3. NEW YORK STATE
JOINT LEGISLATIVE COMMITTEE
ON
MIGRANT LABOR, Albany.)

1967

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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LETTER OF TRANSMITTAL

To the Legislature of the State of New York:

Pursuant to concurrent resolution adopted in the Assembly and the Senate June 3, 1966, the Joint Legislative Committee on Migrant Labor respectfully submits this report covering the work of its investigation to and including the present date, March 31, 1967.

Assemblyman Stephen R. Greco, *Chairman*
Assemblyman Donald L. Taylor, *Secretary*
Senator William C. Thompson, *Vice-Chairman*
Senator Theodore D. Day
Senator Bernard C. Smith
Senator William T. Smith
Senator Douglas Hudson
Senator James E. Powers
Assemblyman Robert Garcia
Assemblyman Manuel Ramos
Assemblyman Donald Shoemaker
Assemblyman Jose Ramos-Lopez
Assemblyman Charles B. Rangel

TABLE OF CONTENTS

PAGE

Letter of Transmittal ... 3

Personnel of the Committee ... 7

Resolution Adopting Committee ... 9

Introduction ... 12

Report Migrant Farm Workers — U. S. Dept. Health, Education, and Welfare ... 14

Report — Migrant Health Projects U. S. Dept. Health, Education, and Welfare ... 16

Committee Tours ... 18

Public Hearing ... 22

AN ACT To amend workmen's compensation law, in relation to extending disability benefits coverage to service as farm laborers ... 29

AN ACT To amend the labor law, in relation to minimum wages for labor on farm ... 30

AN ACT To amend the labor law, in relation to extension of the labor relations act to farm laborers ... 32

AN ACT To amend the workmen's compensation law, in relation to workmen's compensation coverage of farm laborers ... 33

AN ACT To amend the labor law, in relation to availability of telephone for use of migrant laborers ... 35

AN ACT To amend the labor law, in relation to payment of wages to migrant laborers ... 36

AN ACT To amend the labor law, in relation to actions to enjoin conditions in migrant labor camps dangerous to health, welfare or safety ... 37

AN ACT To amend the labor law, in relation to health certificates for migrant laborers ... 38

AN ACT To amend the labor law, in relation to payment of wages to migrant laborers in event of equipment breakdown ... 39

AN ACT To amend the labor law, in relation to requiring written contracts for migrant laborers ... 40

PAGE

AN ACT To amend the labor law, in relation to agricultural labor under the unemployment insurance law 41

Testimony of David E. Duncan requesting consideration of farm laborers to be included in amendments of the Workmen's Compensation Law, the Insurance Law and the Social Welfare Law in relation to health insurance benefits 43

Report of the Department of Social Welfare 45

"Someone Cares" Program of the Education Department 52

Report of New York State Council of Churches 63

Committee Summary of Activities and Accomplishments 73

APPENDIX Data on Employment Cycle for Migrant Laborers 79

PERSONNEL OF THE COMMITTEE

The Committee:

Assemblyman Stephen R. Greco, *Chairman**
Senator William C. Thompson, *Vice-Chairman*
Senator Theodore D. Day
Senator Bernard C. Smith
Senator William T. Smith
Senator Douglas Hudson
Senator James E. Powers
Assemblyman Robert Garcia
Assemblyman Manuel Ramos
Assemblyman Donald L. Taylor
Assemblyman Donald Shoemaker
Assemblyman Charles B. Rangel

Ex Officio:

Senator Earl W. Brydges, President Pro Tem, the Senate
Senator Joseph Zaretzki, Minority Leader, the Senate
Senator Warren G. Anderson, Chairman, Finance Committee, the Senate
Assemblyman Anthony J. Travia, Speaker, the Assembly
Assemblyman Moses M. Weinstein, Majority Leader, the Assembly
Assemblyman Perry B. Duryea, Minority Leader, the Assembly
Assemblyman Harvey M. Lifset, Chairman, Ways and Means Committee, the Assembly

Legal:

E. David Duncan

Research Director:

Richard Planer

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*Assemblyman Arthur Hardwick, Jr. was defeated in the November, 1966 election, Assemblyman Stephen R. Greco was appointed as Chairman by Speaker Travia in Mr. Hardwick's place.

RESOLUTION ADOPTED IN THE ASSEMBLY JUNE 3, 1966 AND IN THE SENATE JUNE 3, 1966 EXTENDING THE JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

WHEREAS, the matter of providing adequate labor for farmers, growers, and those generally engaged in agricultural pursuits within the State of New York and the furnishing of labor to the food processing plants during their season of peak employment continues to be a problem; and

WHEREAS, this problem is being met by thousands of migrant workers who come or are brought into New York State each year to assist in the cultivation, harvest and processing of field and orchard crops in related agricultural pursuits; and

WHEREAS, the selection, housing and conduct of these migrant workers continue to present a real problem and concern to the residents of the areas where the labor camps housing these migrant workers exist, to farmers, growers and those generally engaged in agricultural pursuits, to law enforcement agencies and to the greater part of the migrant workers themselves; and

WHEREAS, a committee of the Legislature known as the Joint Legislative Committee on Migrant Labor was created by resolution adopted by the Assembly on March 18, 1952 and by the Senate on March 19, 1952; and

WHEREAS, the said Joint Legislative Committee has been continued to and including March 31, 1967 by resolution adopted in the Assembly on June 3, 1966 and by the Senate on June 3, 1966; and

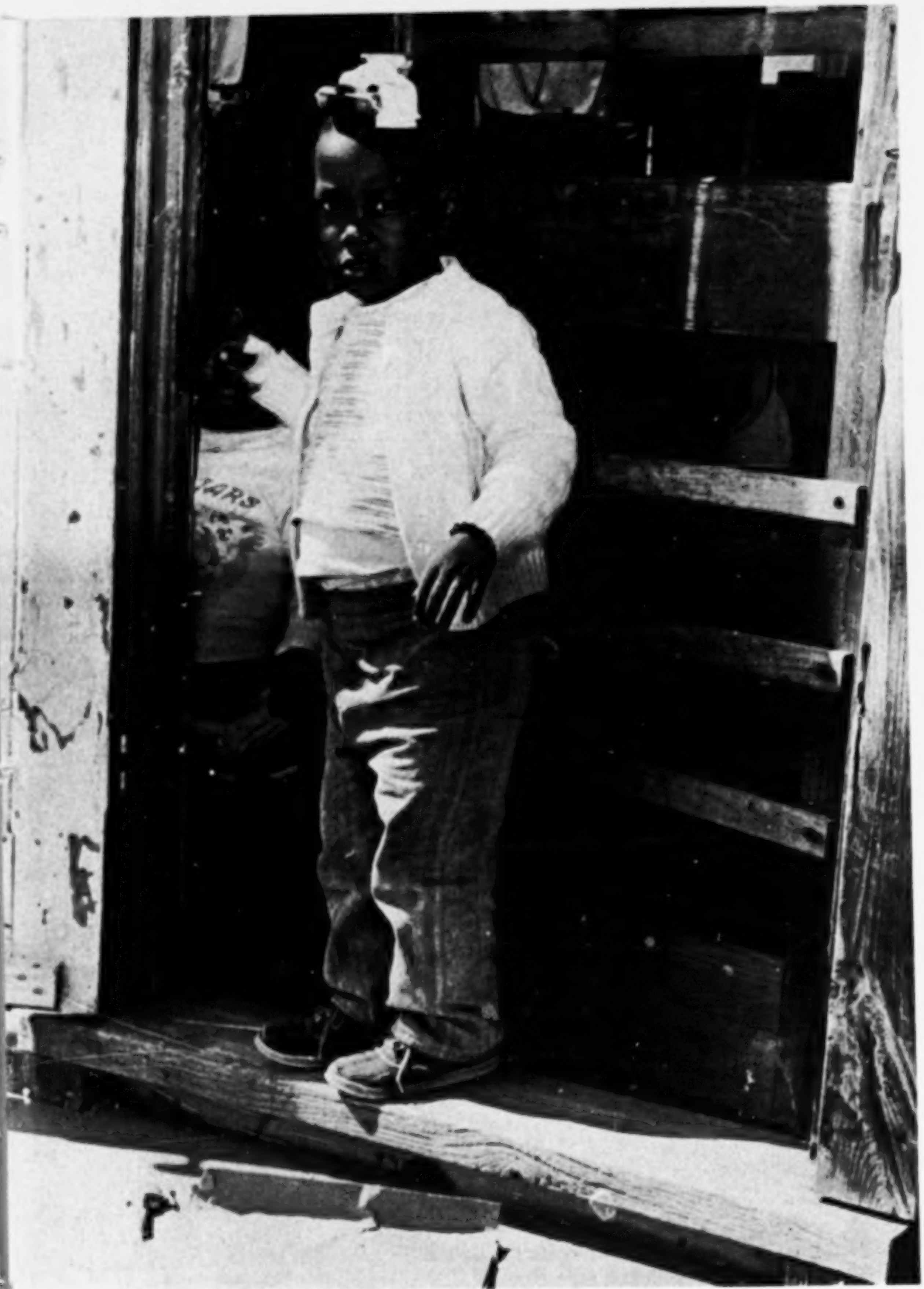
WHEREAS, it appears that there is a continuing need for specialized study and recommendation to the Legislature in connection with this problem, now, therefore, be it

Resolved (if the Senate concur), that the Joint Legislative Committee on Migrant Labor, created by resolution adopted by the Legislature on March 19, 1952 and last continued to and including March 31, 1967, by resolution adopted by the Assembly on June 3, 1966 and the Senate on June 3, 1966 be and the same hereby is further continued with all its powers and duties as presently existing including the power to conduct public hearings within or without the State of New York, take testimony, subpoena witnesses and compel their attendance and the production of books, records, statements, documents, as may be pertinent to the study of the committee, to and including March 31, 1967; and be it further

Resolved (if the Senate concur) that such committee shall, on or before December 15, 1967, submit its legislative recommendations, if any, to the Temporary President of the Senate and the Speaker of the Assembly, and on or before March 31, 1967, make a report of its activities to the Legislature; and be it further

Resolved (if the Senate concur), that the sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby appropriated from the contingent fund of the Legislature for the necessary expenses of such committee, payable on the audit and warrant of the comptroller on vouchers certified and approved by the chairman of the committee in the manner provided by law; and be it further

Resolved (if the Senate concur) that so much of the funds heretofore appropriated and reappropriated and remaining unexpended for the use of such committee payable on the audit and warrant of the comptroller on vouchers certified and approved in the manner provided by law.



The children of migrant laborers, whose only inheritance will be poverty, unless we, fellow Americans, do all that is humanly possible to improve their living and educational standards.

INTRODUCTION

One of the hardest tasks facing those who have wanted to do something about the shocking living and working conditions of the migrant farm worker has been to make the public aware that the migrant worker and his problems even exist in prosperous 20th century America. The vast majority have had little idea of the conditions under which their fruits and vegetables have been harvested.

The migrant worker has lived out his life ignored . . . forgotten and left behind by progress.

Although church groups, humanitarian organizations and labor unions have been working hard to help the migrant, only an aroused public can bring about the legislative action necessary to eliminate the national disgrace of the migrant way of life. Without labor unions, or leadership of their own, the migrant workers have been a voiceless and voteless minority of poverty.

Much remains to be done before the migrant worker can take his place as a full fledged American citizen. He is still denied the economic right of collective bargaining privileges, and a minimum wage in most states which are guaranteed by law to workers in almost every major industry. He still lacks access to adequate housing, education and medical care for his family.

As the seasons change, the fruits, berries and vegetables ripen for gathering. The itinerant harvester moves along from one crop to another, across county and state lines, often with the sum total of his earthly possessions in a shopping bag, or a canned goods carton. Caught up in the ebb and flow of the migrant stream. His family often travel long distances to and from the place of labor . . . for reasons of birth . . . because of color . . . or national origin . . . or because of lack of skills and/or education, which could equip him for other employment, he all too often never escapes.

At least 5 states have re-examined and reorganized their migrant farm labor programs to some extent. As a result, California, New Jersey, Wisconsin, Michigan and Hawaii have passed minimum wage laws covering agricultural workers.

Employed now for less than half the year, and threatened with more joblessness and lower pay by increasing mechanization, the migrant worker is entitled to few workmen's benefits, and is frequently unaware of those he could collect. Caught up in the treadmill of poverty, he has a vague dream of a better life, but no means of attaining it. Recent legislative efforts and the work of social services and religious organizations are a step in the right direction. But much more needs to be done.

Migrant Farm Workers and Families in the United States

U. S. Department of Health, Education, and Welfare
Public Health Service
April, 1967

Definition — A migrant farm worker is a seasonal worker in agricultural or related seasonal industry who finds jobs by moving each year to one or more work locations beyond normal commuting distance from a place he calls "home". Customarily he returns to his home when the crop season is over elsewhere. Even in this so-called "home" community, he may be disqualified for certain community benefits and services afforded other citizens because of his seasonal migratory to other parts of the country.

The migrant farm worker population includes family dependents, some or all of whom may move with the worker for at least part of the season and may also work in agriculture and related seasonal industry.

The Migrant Health Program is concerned with the "domestic" as opposed to the "foreign" migrant farm worker. Prior to 1965, foreign workers entered the United States in large numbers for temporary seasonal work in agriculture. They originated chiefly in Mexico and the British West Indies. The law authorizing the special program for importation of foreign agricultural workers (P. L. 78) was terminated in December 1964.

Number of migrants and distribution

An estimated 750,000 to 1,000,000 domestic farmworkers and family members migrate each season. They come from home-base labor supply areas where up to twice that number of potential migrants may reside. The potential migrants include many persons who have moved one or more times in the last 5 or 6 years.

Florida, Texas, California, New Mexico, and Arizona are among the important home-base States. They are also important labor demand areas at certain times of the year. In addition, Michigan, Wisconsin, New York, Oregon, Washington, and other northern States require thousands of workers from outside the local area to meet peak farm labor demands. At least a few of the counties in nearly all States require migrant farm labor for periods ranging from several weeks to several months. A Department of Labor official recently stated: "The migrant farm worker has become an absolute economic necessity to the grower if agricultural enterprise is to be continued in many crops and localities."

Population characteristics — Migrant farm workers generally are drawn from minority groups — Spanish-speaking people from Puerto Rico and the Southwest, Southern Negroes, Indians, and low-income "Anglos". They are chiefly persons lacking in education, and in special skills for work outside of agriculture. Some speak English with difficulty or not at all.

Employment conditions — Annual earnings are low, averaging about $1,400 per worker. Wages are usually paid on a piece-rate basis, and employment is intermittent, broken by travel between jobs, crop delays caused by bad weather, and many other circumstances that can be foreseen by neither the worker nor his employer. Lack of unemployment insurance coverage and, typically, lack of residence status to qualify for financial aid from welfare, leave the farm worker to rely on his own resources during periods of enforced unemployment.

Housing, travel and work conditions — Migrant housing is typically substandard and overcrowded. The people often travel by unsafe family vehicles and frequently drive for long distances without stopping. Facilities for human waste disposal are usually lacking in the fields where they work, and often substandard at the places where they live. Water supplies for drinking and other family use may be inadequate.

Health situation — Migrants share the health problems of other deprived groups who have little knowledge of good health practices, lack a home or work environment conducive to good health or to following acceptable health practices, and lack funds to pay for health care, even when health needs are understood. A further problem, especially for the Spanish-speaking migrant, is the fact that few professional health workers in the north speak his language.

Local health services are meager even for permanent residents in many of the rural areas where migrants live and work for a short time. Moreover, the places where services can be obtained are typically located far from the places where migrants concentrate, and are scheduled at hours when migrants must be in the fields.

Migrant Health Projects in the United States

U. S. Department of Health, Education, and Welfare
Public Health Service
June, 1967

- *The Migrant Health Act* — Public Law 87-692 as amended in 1965 by Public Law 89-109 — authorizes the Public Health Service to make grants to pay part of the cost of (a) *family health service clinics,* and (b) *other activities to improve health services and conditions for migratory farm workers and their families,* including necessary care in short-term general hospitals.

- As of March 31, 1964, less than a year after the first migrant health grant appropriation was made, 42 projects had been awarded grants. The number more than doubled by June 30, 1967, when 109 projects were operating with grant assistance.

- Three-fourths of the grants have been made to State or local health departments. The other fourth have been made to local migrant councils, local governing bodies, hospitals, county medical societies and schools of medicine.

Projects extend services to migrants in from one to fifteen or more counties. With few exceptions, the projects offer the following services:

— Medical diagnosis and treatment, as well as immunization and other preventive services, for workers and family members at a place that can be easily reached and at a time that does not conflict with the migrant's work schedules.

— Nursing services in clinics, in the camps, and in day-care centers and schools serving migrant children.

— Sanitation services to help make camps and fields safer, healthier, places to live and work.

— Dental care, generally limited at the present time to service for children and emergency relief of pain for adults.

— Health education as part of medical, dental and nursing care, sanitation services and also as separately identified and supported component of project services.

- As of January 1967, grant assistance became available for in-hospital patient care through projects which have adequate general medical care programs.

- More than half of the Nation's counties with a peak of 3,000 or more migrants during the season are now included in projects offering personal health care through family health service clinics or other arrangements for early casefinding, diagnosis, and treatment.

- Services in home-base areas have been emphasized. As of June 1967, more than 40 home-base counties reporting an estimated outmigration of 200,000 persons were included in migrant health project areas in southern Florida, Texas, New Mexico, Arizona, southern California and the bootheel of Missouri.

- During the 12-month period ending December 31, 1966, *patient visits (or services)* provided by migrant health projects were as follows:

Medical and/or dental diagnosis and treatment provided through family health service clinics or other systematic arrangements	183,000
Nursing services in clinics and in the field	100,000
Sanitary inspections and follow-up visits	100,000

- At present grant-assisted health services are estimated to be accessible to about 300,000 of the Nation's migrants for 3 to 6 months of the year.

- Continuity of care becomes more possible as projects are formed at strategic points along major migration routes. Personal health records carried by the migrants facilitate continuity and help to avoid duplication or gaps in services. Project reports indicate that from 10 to 90 percent of the migrants contacted present a personal health record upon request. Project reports also are showing better results from the use of inter-area referral forms.

COMMITTEE TOURS TO MIGRANT LABOR CAMPS

The Committee conducted its first public tour in Erie County on the 26th day of July, 1966. Erie County was chosen for the first meeting, tour and hearing because of an outbreak resulting from tension between the migrant laborers and the town constabulary, in the Towns of Brant and North Collins. The tour consisted of inspection of numerous camps within the two townships and interviews with leaders of the community, representatives of the farm industry and the migrant laborers themselves. This first activity of the Joint Legislative Committee was terminated with a public hearing in the Town Hall of Brant on July 27, 1966, at which all the groups previously mentioned above testified before the Committee. It was felt that this public hearing and prior tour brought the existing conditions to the attention of the community and the hearing itself acted as a safety valve to help lessen the tensions that had developed in this community. On July 10, Assemblyman Hardwick made a personal investigation of camps in the area of North Collins, posing as a migrant laborer seeking employment. This resulted in the closing down of one camp immediately, as shocking violations were uncovered.

The following tours were conducted by the Joint Legislative Committee on Migrant Labor during the year 1966:

> On August 20, 21 and 22 the Joint Legislative Committee on Migrant Labor toured 17 camps in the Counties of Erie, Chautauqua and Cattaraugus. Unregistered farm labor camps were uncovered and evidence was disclosed that tended to show that the State Sanitary Code was not broad enough in its jurisdictional provisions. Certain camps did not comply with basic health standards, mainly because of the lack of cooperation between the farmer and the farm laborer. Other camps were found to be in deplorable condition, violating almost every health law, but the owners stated they were not under the jurisdiction of the State Sanitary Code and therefore did not feel bound to its requirements. At a migrant labor camp in Cattaraugus County, on the property of a large canning factory and within close distance thereof, there was open sewage flowing over a wide area immediately behind the living and dining quarters of the migrants. This condition was discovered because of the stench that permeated the premises. This Committee took immediate action in locating the County Health Officer, who saw that the condition was immediately remedied.

On September 12 and 13 the Committee inspected 13 farm labor camps in the County of Suffolk. County and other local health officers were very cooperative and the conditions of the camps found in Suffolk County appeared to be better, in general, than in other areas of the State previously visited by the Committee. However there were several violations which this Committee deemed very serious. Serious fire hazards were disclosed in many camps by the presence of uncovered electric wires which were used for lighting. In certain other camps very overcrowded conditions existed, such as seven and eight people sleeping in one room, often with less than one foot of space between beds.

On September 21 and 22, Arthur Hardwick, Jr., Chairman of the Joint Legislative Committee on Migrant Labor, accompanied the Interdepartmental Committee on Farm and Food Processing Labor in a tour of camps in Ulster and Dutchess Counties. This tour, although having given advance notice to the camps to be visited, still disclosed shocking conditions forced upon the migrants and their families. In one camp, men, women and children were living in what can only be described as a fire trap . . . The farmer attempted to cover this situation, he at first claimed there was no one living in the upper part of the structure. He had just boarded up the entrance way to the stairs that led upstairs . . . When the board that was used for this was dislodged, food was found cooking on the ranges, but obviously the migrants (men, women and childrens clothes were hanging in the rooms) had been spirited away.

The Committee was very much impressed on this tour by the inspection of several child welfare centers, sponsored by the Department of Agriculture and Markets. These centers treat the children of the migrants and provide nursery care for the younger migrant children, while the parents are working. On September 28 and 29 over 22 farm labor camps were inspected in Chautauqua County. Some of these camps were guilty of the most flagrant violations found to date . . . open sewage above the ground, heaters that were not vented . . . in one instance a malfunctioning septic tank located 20 feet away from the drinking water supply. Several camps were instructed to close down immediately

On October 7 and 8 the Committee visited numerous camps in Cattaraugus County. Again numerous violations were uncovered, such as faulty heaters, improper sewage systems, improper wiring, etc.

Although the migrant labor season had peaked some time before, the Joint Legislative Committee on Migrant Labor inspected numerous labor camps in Wayne and Monroe Counties on December 3, 4, 5, 7 and 8, in order to not only inspect the general conditions of the camps involved but also to obtain information on migrant laborers who had not immediately departed the area, to commence once again in the migrant stream. The camps in Monroe County disclosed a large number of farm laborers still residing in them. Although weather conditions had brought an early winter to the State of New York, farm laborers and their families were living in conditions made all the more unbelievable by fact that whatever heating units there were were inadequate and improperly vented and the structures themselves, in many instances were broken down, had holes in the outer walls of the shacks and provided no protection from the elements. In some of these "buildings", clothes were inserted into openings to keep out the cold air and snow. Another serious problem was disclosed by this untimely visit: Several Migrant families were literally stranded in Monroe County. They could not leave for the South because of no funds available. In fact this tour disclosed that certain farm labor camps had been shut down and the migrants and their families removed from the premises and left to seek shelter where they could find it, without funds. One camp consisted of 18 metal buses. There were families living

in each bus, which provided little protection from the subfreezing temperature. Electric light bulbs were strung on wires from trees, and all the eye could see was one cold water spigot at the end of the line of buses, which was the sole source of water for the camp.

It should be noted that over and above the formal tours conducted by the Committee, the Chairman, Arthur Hardwick, Jr., personally inspected, either in his official capacity or in the garb of a migrant laborer seeking employment, over 150 camps that were not otherwise investigated by the full Committee. Mr. Hardwick was offered jobs working in the fields at the rate of $.57 per hour, $.90 per hour, $.78 per hour, etc.

It is firmly believed by this Committee that the only way that the problems of migrant laborers can be appreciated is to have periodic, unannounced inspections of the facilities provided for them. Only through an aroused legislature and an aroused and informed public, will any changes ever be made in the shocking conditions which migrant laborers, their wives and children are forced to endure.

PUBLIC HEARINGS CONDUCTED BY THE JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

As previously described, the J. L. C. on Migrant Labor conducted a public hearing in the town of Brant on July 27, 1966. It should be further pointed out in relation to this public hearing that the lack of communication between migrant laborers and the community in which they temporarily reside has created, and can continue to create unless alleviated, problems which could conceivably lead to violence and the disruption of food harvesting in the State of New York. There is no doubt that the communities involved with migrant laborers need them desperately. In order to insure their return each year, and to insure a decent living standard for them, all segments of the community must pull together to find solutions to the mutual problems of the farmer, the migrant workers and the community.

On October 18, 1966 the J. L. C. on Migrant Labor conducted a public hearing in the City of Buffalo, for the purpose of determining the feasibility of bringing farm laborers under the State minimum wage law. At this hearing, migrants themselves testified before the Committee, and displayed pay slips showing the extremely low wages some of them were paid. How can a worker support a family on a net income of $39.00 per week? There were also farmers present who testified to the problems of competition with other states, despite the fact that the State of New Jersey has a minimum wage law covering agricultural laborers. The various state agencies involved in this problem were invited to attend and participate in this hearing. However, there was not one representative present.

On December 19, 1966, Chairman Arthur Hardwick, Jr., called a public hearing in the State Capitol Building at Albany, New York, again on the subject of a minimum wage for agricultural workers within the State of New York. At this hearing representatives of the Department of Agriculture and Markets, the State Labor Department, the AFL-CIO, the New York State Grange and other individuals appeared before the Committee. The AFL-CIO strongly endorsed the inclusion of agricultural workers under the minimum wage law of the State of New York. The State Grange opposed the inclusion, as did the State Department of Agriculture and Markets.

The New York State Department of Labor did not take a stand for or against. The main opposition was based on the premise that this proposal would render New York State farmers non-competitive. This approach was endorsed by two farmers who are on the Governor's Advisory Committee on Farm and Food Processing Labor. The State Labor Department supplied data to the Committee which indicated that the State of New Jersey already had a minimum wage law for agricultural workers, and a partial minimum wage law for agricultural workers is in effect in the States of California and Wisconsin.

Pursuant to the direction of the Resolution of the Legislature passed on the 6th day of June, 1966, a preliminary report of the Joint Legislative Committee on Migrant Labor was forwarded to the Speaker of the Assembly and the President Pro Tem of the Senate, which report is included herein :

December 31, 1966

PRELIMINARY REPORT OF THE ACTIVITIES OF THE JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

The Joint Legislative Committee on Migrant Labor, in accordance with the directive setting up such Committee, hereby submits its preliminary report:

The outrageous working and living conditions of migrant farm workers have been a shameful blot upon New York State.

Nowhere in our society in this era, have laborers and their families been subjected to similar acts of exploitation and degradation as these workers. For example: The Negroes who journey to our State each spring from the south and the laborers imported directly from Puerto Rico have a special claim to public protection because they are politically disfranchised and are not organized through trade unions.

In recent decades, we have spent billions of dollars from public funds to subsidize the purchase of farm machinery, to control uses of soil, and to maintain stable markets for farm products. The one factor in agricultural production that has been ignored in this distribution of public largess is the farm worker. Why not have the recognition of a fundamental State responsibility for the well being of this most exploited and weakest section of our working population.

We recognize that the problems of migratory labor are interstate and national in scope and solution. We recognize further that even well meaning growers hesitate to jeopardize their competitive positions by providing benefits that will increase the prices of their products.

The activities of the Committee were commenced by the personal inspection of Arthur Hardwick, Jr., into the migrant troubles in the town of North Collins, in Erie County, shortly after the activation of the Committee in July, 1966.

Subsequently, extensive investigations of migrant conditions were made throughout the State of New York, by the Full Committee, by means of field trips and public hearings.

Advance work in many instances was personally done by the Chairman of the Committee, Arthur Hardwick, Jr., in migrant garb, in order to get an accurate picture of conditions and to bring the Committee's attention to the undisguised problems, which would not be evident if the Committee toured migrant areas through the eyes of the local health officers. The following formal tours of the entire Committee were made:

July 26, 1966 . . . Erie, Orleans and Genesee Counties, 13 camps.

July 27, 1966 . . . Public hearing in Brant, New York.

Erie, Chautauqua and Cattaraugus Counties 17 camps on August 20, 21 and 22.

Suffolk County, 13 camps September 12 and 13.

Public hearing in Riverhead, N. Y. September 14.

September 21 and 22, tour through camps in Ulster and Dutchess Counties, with Interdepartmental Committee on Farm and Food Processing Labor.

Chautauqua County, 22 camps September 28 and 29.

Cattaraugus County, 13 camps on October 7 and 8.

Public hearing in Buffalo, New York on minimum wage for agricultural workers October 8.

Wayne & Monroe Counties December 3, 4, 5, 7 & 8.

Public hearing in Assembly Parlor, in Albany December 19.

Minimum wage for agricultural workers and related problems of migrants and their families.

Public hearings were conducted in Brant, New York on July 27, 1966, Riverhead, New York on September 14, 1966, Buffalo, New York on October 8 and Albany, New York December 19, 1966.

The specific subject of including agricultural workers under the protection of the New York State Minimum Wage Law was the topic of the public hearing held in the City of Buffalo on the 8th day of October, 1966 and the public hearing held in the City of Albany on the 19th day of December, 1966.

The aforementioned field trips disclosed that the condition of migrant workers in New York State and also the conditions of agricultural workers who have left the migrant stream to reside in New York permanently are in many cases abominable. These conditions can be generally categorized in two groups . . . namely: the housing and other living conditions for many of the agricultural workers are deplorable. Secondly: economic deprivation is their way of life, because of the little actual income they receive. A majority of the migrants seems to be caught in a web of despair that they are unable to pull themselves out of. It is obvious to this Committee that appropriate action must be taken to pass new legislation . . . and appropriate changes be made in the Sanitary Code, in order to remove this blot upon the conscience of this, the Empire State.

A serious problem which has come to the attention of the Committee is the fact that local county health officers do not enforce the subsidive provisions of the State Sanitary Code with the effectiveness of the enforcement that is evident in counties where agents of the State Health Department handle enforcement. It is the opinion of this Committee that the County health officers, and their assistants, are too close to the leadership structure in the county, where the migrants are non-voters and have no representation in the power structure of these counties.

Another point to be noted in relation to the enforcement of the State Sanitary Code is that the Code contains certain jurisdictional provisions that limit the effectiveness of its enforcement in the aid of migrant and domestic agricultural workers. More specifically, Section 15 of the State Sanitary Code is limited to farm labor camps consisting of five or more individuals. A second factor which tends to limit the effectiveness of the State Sanitary Code in its application to agricultural workers is that those farm labor camps are excluded where the agricultural workers are on an "annual basis".

This Committee, through its Chairman, Arthur Hardwick, Jr., has appealed to the Public Health Council, which is under the jurisdiction of the State Health Commissioner, to amend the Sanitary Code to make its jurisdictional requirements more effective. These changes are being considered by the Public Health Council, as of this date.

Investigations by this Committee disclose that, under Section 15 of the Sanitary Code, the use of the word 'adequate' in important subsidive provisions has caused untold trouble to the enforcing health officers. The terminology in many parts of the Code is ambiguous, and appropriate recommendations by the Committee will be made in this field at a later date.

The problem of including agricultural workers under the New York State Minimum Wage Law as above mentioned, has been the subject of two public hearings conducted by the Committee. In the past year, agricultural workers, for the first time, were included under a Federal Minimum Wage Law. Although this is a step in the right direction, it excludes the majority of agricultural workers, both migrant and domestic employees, in the State of New York. At the public hearings, the usual diversity of opinion occurred between the representatives of the agricultural industry and other groups, on the effects and necessity of a minimum wage law for agricultural workers. Representatives of the AFL-CIO, Catholic Trade Union Association, Civil Rights groups and migrants themselves, called for coverage of agricultural workers under the minimum wage law of the State of New York, on the grounds that it is necessary to eliminate the form of "slave labor" which characterizes the conditions of some of the migrants. The point was made that the agricultural industry is the only industry, with the possible exception of domestic help, that is not covered by the minimum wage law. It was also further pointed out by the various groups that the shortage of agricultural labor could possibly be alleviated by the passage of such a law.

The agricultural interests took the position that the inclusion of agricultural workers under a minimum wage law could render New York State uncompetitive and that in the majority of cases it was unnecessary, as it was already being paid.

It is interesting to note that the State of New Jersey, in its 1966 Legislature, passed a law, subsequently signed by Governor Hughes, that included all agricultural workers under the minimum wage law, at the rate of $1.25 per hour, escalating to $1.50 per hour in 1967.

The many tours by this Committee disclosed that one of the answers to the migrants housing problem would be cooperative housing ventures, to cover migrants in a specific area. It has come to this Committee's attention that certain applications have been rejected by the federal government, where this has been sought, on technical grounds of one type or another. It is felt by this Committee that cooperative housing could alleviate one of the sore points which has afflicted this State, and that an effective program should be studied to work out a plan for the participation of the State of New York in cooperative housing.

The tours by this Committee also disclosed that the child care center program, carried on by the Department of Agriculture and Markets, has grown in the past year, and is extremely effective in giving proper medical attention to the children of migrants, and allowing the mothers to work in the fields, thus providing more money for the migrant family and aiding in the relief of the farm labor shortage in the State of New York. It has been brought to this Committee's attention that there is at least a possibility that the Federal government will not participate as fully in this program as they have done in the past.

It is the concensus of the Committee that:

1. A strong effort be made to have the State Sanitary Code amended by the Public Health Council, to make effective the jurisdiction of farm labor camps, which is now lacking . . . and if necessary implement such legislation as needed to carry this out.
2. That this Committee investigate the feasibility of having the enforcement of the State Sanitary Code taken out of the hands of local health officers, and placed under the direct supervision of the State Department of Health.
3. That the minimum wage law of the State of New York be amended to include agricultural workers, effective June 1, 1967, at the rate of $1.35 per hour. That the Legisla-

ture consider the feasibility of including all agricultural workers under the general minimum wage law, as it exists today.

4. That this Committee further investigate the feasibility of state aid in the development of cooperative housing for migrant workers and their families.
5. That the New York State Legislature do everything possible to encourage the continuation of the Child Care Center Program conducted by the Department of Agriculture and Markets, and to stand ready to appropriate funds for the continuation of this program, in the eventuality that federal funds become unavailable or reduced.

Arthur Hardwick, Jr., *Chairman*
William C. Thompson, *Vice-Chairman*
Donald L. Taylor, *Secretary*
Jose Ramos-Lopez
William T. Smith
Robert W. Pomeroy
Kenneth Willard
Christian Armbruster
Jerome Wilson
Salvardore Almeida
Donald Shoemaker
Edward Kurmel

The following bills were introduced to the Legislature in the year 1967, whose subject matter would greatly influence migrant laborers in the State of New York. Even though the bills did not pass this session of the Legislature, it is expected they will be reintroduced in the year 1968.

Assembly Intro. No. 4220, Print No. 4374 (Greco)

AN ACT

To amend the workmen's compensation law, in relation to extending disability benefits coverage to service as farm laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph A of subdivision six of section two hundred one of the workmen's compensation law, as amended by chapter seven hundred ninety-one of the laws of nineteen hundred sixty, is hereby amended to read as follows:

A. "Employment" means employment in any trade, business or occupation carried on by an employer, except that the following shall not be deemed employment under this article: services performed for the state, a municipal corporation, local governmental agency, other political subdivision or public authority; employment subject to the federal railroad unemployment insurance act; service performed on or as an officer or member of the crew of a vessel on the navigable water of the United States or outside the United States; [service as farm laborers;] casual employment and the first forty-five days of extra employment of employees not regularly in employment as otherwise defined herein; service as golf caddies; and service during all or any part of the school year or regular vacation periods as a part-time worker of any person actually in regular attendance during the day time as a student in an institution of learning, and service during all or any part of the school year or regular vacation periods by a spouse of such person as a part-time worker in or for an educational institution as defined in subdivision five of this section.

§ 2. This act shall take effect October first, nineteen hundred sixty-seven.

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 4465, Print No. 4619 (Garcia)

AN ACT

To amend the labor law, in relation to minimum wages for labor on a farm

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section six hundred fifty-one of the labor law, as last amended by chapter six hundred forty-nine of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

5. "Employee" includes any individual employed or permitted to work by an employer in any occupation, but shall not include any individual who is employed or permitted to work: (a) in domestic service in the home of the employer; (b) [in labor on a farm; (c)] in a bona fide executive, administrative or professional capacity; [(d)] *(c)* as an outside salesman; [(e)] *(d)* as a driver engaged in operating a taxicab; [(f)] *(e)* as a volunteer, learner or apprentice by a corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual; [(g)] *(f)* as a member of a religious order, or as a duly ordained, commissioned, or licensed minister, priest or rabbi, or as a sexton, or as a christian science reader; [(h)] *(g)* in or for such a religious or charitable institution, which work is incidental to or in return for charitable aid conferred upon such individual and not under any express contract of hire; [(i)] *(h)* in or for such a religious, educational or charitable institution if such individual is a student; [(j)] *(i)* in or for such a religious, educational or charitable institution if the earning capacity of such individual is impaired by age or by physical or mental deficiency or injury; [(k)] *(j)* in or for a summer camp or conference of such a religious, educational or charitable institution for not more than three months annually; [(l)] *(k)* as a staff counselor in a children's camp; [(m)] *(l)* in or for a college or university fraternity, sorority, student association or faculty association, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which is recognized by such college or university, if such individual is a student; [(n)] *(m)* by a federal, state or municipal government or

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

political subdivision thereof; or [(o)] *(n)* to whom the minimum wage provision of the federal fair labor standards act of nineteen hundred thirty-eight, as amended, are applicable. The exclusions from the term "employee" contained in this subdivision shall be as defined by regulations of the commissioner. The exclusion from the term "employee" under paragraph (n) of this subdivision shall not apply, however, to the statutory minimum wage established by subdivision one of section six hundred fifty-two of this chapter.

§ 2. This act shall take effect October fifteenth, nineteen hundred sixty-seven.

Assembly Intro. No. 4466, Print No. 4620 (Garcia)

AN ACT

To amend the labor law, in relation to extension of the labor relations act to farm laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section seven hundred one of the labor law, as added by chapter four hundred forty-three of the laws of nineteen hundred thirty-seven is hereby amended to read as follows:

3. The term "employees" includes but is not restricted to any individual employed by a labor organization; any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practices, and who had not obtained any other regular and substantially equivalent employment; and shall not be limited to the employees of a particular employer, unless the article explicitly states otherwise, but shall not include any individual employed by his parent or spouse or in the domestic service of any person in his home, or any individuals employed only for the duration of a labor dispute[, or any individuals employed as farm laborers].

§ 2. This act shall take effect May first, nineteen hundred sixty-seven.

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 4290, Print No. 4444 (Ramos-Lopez)

AN ACT

To amend the workmen's compensation law, in relation to workmen's compensation coverage of farm laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision four of section two of the workmen's compensation law, as amended by chapter six hundred forty-six of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

4. "Employee" means a person engaged in one of the occupations enumerated in section three or who is in the service of an employer whose principal business is that of carrying on or conducting a hazardous employment upon the premises or at the plant, or in the course of his employment away from the plant of his employer; "employee" shall also mean for the purposes of this chapter civil defense volunteers who are personnel of volunteer agencies sponsored or authorized by a local office under regulations of the civil defense commission, to the extent of the provisions of groups seventeen and nineteen; and for the purposes of this chapter only a newspaper carrier boy under the age of eighteen years as defined in section thirty-two hundred nineteen-a of the education law, and shall not include domestic servants except as provided in section three of this chapter, and except where the employer has elected to bring such employees under the law by securing compensation in accordance with the terms of section fifty of this chapter. The term "employee" shall not include persons who are members of a supervised amateur athletic activity operated on a non-profit basis, provided that said members are not also otherwise engaged or employed by any person, firm or corporation participating in said athletic activity, nor shall it include the spouse or minor child under the age of eighteen years of an employer who is a farmer unless the services of such spouse or minor child shall be engaged by said employer under an express contract of hire [, nor shall it include farm laborers, except as provided in group fourteen-b of section three of this chapter]. If a farm labor contractor recruits or supplies farm laborers for work on a farm, such farm laborers shall for the purposes of this chapter be deemed to be employees of the owner or lessee of such farm. The term "employee" shall not include baby sitters

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

as defined in subdivision three of section one hundred thirty-one and subdivision three of section one hundred thirty-two of the labor law or minors fourteen years of age or over engaged in casual employment consisting of yard work and household chores in and about a one family owner-occupied residence or the premises of a non-profit, non-commercial organization, not involving the use of power-driven machinery. The term "employee" shall not include persons engaged by the owner in casual employment consisting of yard work, household chores and making repairs to or painting in and about a one-family owner-occupied residence.

§ 2. Group fourteen-a of subdivision one of section three of such law, as last amended by chapter two hundred thirty-three of the laws of nineteen hundred sixty-two, is hereby amended to read as follows:

Group 14-a. On and after January first, nineteen hundred sixty-two, any other employment in a trade, business, or occupation carried on by the employer for pecuniary gain in which one or more employees [other than farm laborers] are employed.

§ 3. Group fourteen-b of subdivision one of section three of the workmen's compensation law, is hereby **repealed.**

§ 4. This act shall take effect October first, nineteen hundred sixty-seven.

Assembly Intro. No. 5036, Print No. 5312 (Greco)

AN ACT

To amend the labor law, in relation to availability of telephone for use of migrant laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred twelve-c of the labor law is hereby amended by inserting therein a new subdivision, to be subdivision four-a, to read as follows:

4-a. Every grower or processor shall cause to be installed a public pay telephone, for the convenience and use of such workers in cases of emergency, in every farm labor camp. Such telephone shall be installed in such place where privacy of conversation is assured and shall be available at all times.

§ 2. This act shall take effect June first, nineteen hundred sixty-seven.

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5037, Print No. 5313 (Greco)

AN ACT

To amend the labor law, in relation to payment of wages to migrant laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph d of subdivision two of section two hundred twelve-a of the labor law, as amended by chapter five hundred fifty of the laws of nineteen hundred sixty-three, is hereby amended to read as follows:

d. Every farm labor contractor shall give to each worker with every payment of wages a written statement showing the employer's name and address, the employee's name, the worker's wage rate, wages earned, number of hours worked, or if the worker is paid on a piecework basis the number of units produced, except that in the case of employees in the twelve to fourteen year-old age bracket, the number of hours worked shall be shown, regardless of whether employment be on hourly or piecework basis, all withholdings and other deductions fully itemized and explained from wages, and the net wages paid.

§ 2. This act shall take effect June first, nineteen hundred sixty-seven.

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5237, Print No. 5513 (Ramos)

AN ACT

To amend the labor law, in relation to actions to enjoin conditions in migrant labor camps dangerous to health, welfare or safety

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is hereby amended by adding thereto a new section, to be section two hundred thirteen-a, to read as follows:

§ 213-a. Injunction to restrain dangerous conditions. In addition to any other remedy furnished by law, whenever charges to migrant workers for rental of housing or for the sale of food exceed those prevailing for other persons in the same general area, or whenever housing, sanitary or other conditions in any camp in which migrant workers are housed shall become or threaten to become dangerous to the health, welfare or safety of the workers housed therein or to the locality in which such camp is located, the attorney-general may bring an action in the name of and in behalf of the people of the state to restrain and enjoin the commission or continuance of such charges or the act or acts causing such dangerous or threatened condition.

As used in this section, the term "camp" shall mean one or more buildings or structures, tents, trailers or vehicles, together with the land appertaining thereto, established, operated or used as living quarters for ten or more seasonal or temporary workers engaged in agricultural activities, including related food processing.

§ 2. This act shall take effect May first, nineteen hundred sixty-seven.

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5713, Print No. 5999 (Ramos)

AN ACT

To amend the labor law, in relation to health certificates for migrant laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is hereby amended by inserting therein a new section, to be section two hundred twelve-d to read as follows:

§ *212-d. Health certificates for migrant laborers. Every farm labor contractor or grower or processor shall, before bringing into the state any out-of-state migrant farm or food processing worker or workers, cause each such worker to obtain a certificate of health from the health department of the political subdivision in which any such worker is recruited, at the expense of such farm labor contractor or grower or processor. Any farm labor contractor or grower or processor who brings or causes to be brought into this state any such out-of-state worker or workers without such certificate of health shall be financially responsible for such worker's transportation back to the state of recruitment whether or not such out-of-state worker or workers actually perform any services.*

§ 2. This act shall take effect on June first, nineteen hundred sixty-seven.

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5712, Print No. 5998 (Ramos)

AN ACT

To amend the labor law, in relation to payment of wages to migrant laborer in event of equipment breakdown

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is hereby amended by inserting therein a new section to be section two hundred twelve-d, to read as follows:

§ *212-d. Payment of wages in event of breakdown of equipment. Notwithstanding any other provision of any general or special law to the contrary, every grower or processor shall, in the event of breakdown of equipment which idles a migrant laborer, pay to such migrant worker his regular hourly rate for the first hour for which he is idled by such breakdown and one-half his regular hourly wage rate for each such subsequent hour. Such hourly payments shall only be for those hours in which the employee would in the usual cause of events be employed.*

§ 2. This act shall take effect immediately.

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5453, Print No. 5739 (Ramos)

AN ACT

To amend the labor law, in relation to requiring written contracts for migrant laborers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The labor law is hereby amended by inserting therein a new section, to be section two hundred twelve-C, to read as follows:

§ *212-C. Written contracts for migrant laborers. Every farm labor contractor and every grower or processor who does not utilize the services of a farm labor contractor, shall before bringing into the state any out-of-state migrant farm or food processing worker or workers shall, in each instance, prior to the importation of such worker or workers enter into a written contract with each such worker which shall provide (1) hourly rate of wages (2) necessary deductions (3) length of employment (4) guarantee of return transportation to state of recruitment upon completion of contracted employment. Every such contract shall be signed by the farm labor contractor or the grower or processor, as the case may be, and the worker, in the presence of an officer of the state employment services, labor department or comparable office in the state where such contract is signed and such officer shall stamp such contract with the official seal of such service or department. Every farm labor contractor or grower or processor, as the case may be, shall deliver a copy of such contract to the worker at the time of such signing. Every such contract shall be countersigned by the commissioner before such worker may commence his employment in this state.*

§ 2. Section two hundred twelve-C of such law is hereby renumbered to be section two hundred twelve-D.

§ 3. This act shall take effect June first, nineteen hundred sixty-seven.

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Assembly Intro. No. 5306, Print No. 5592 (Rossetti)

AN ACT

To amend the labor law, in relation to agricultural labor under the unemployment insurance law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section five hundred sixty-one of the labor law is hereby amended to read as follows:

2. Employees. *(a) Services without the state.* The services of a person who resides within this state but performs such services entirely without the state shall be deemed employment within the meaning of this article whenever.

[(a)**]** *(1)* contributions are not required with respect to such services under an unemployment compensation law of any other state or of the United States; and

[(b)**]** *(2)* his employer makes application to this effect; and

[(c)**]** *(3)* the commissioner approves such application in writing.

(b) Agricultural labor. (1) All services performed for an employer in agricultural labor and which have not been excluded in accordance with the provisions of subparagraph (2), shall be deemed employment within the meaning of this article as of the first day of any calendar quarter provided

(i) the employer makes an election to this effect for at least the unexpired portion of the calendar year in which such election is to become effective,

(ii) such election is filed on or before the last day of the calendar quarter in which it is to become effective, and

(iii) the commissioner approves such election in writing.

Such election, if approved, shall thereafter remain in effect until the last day of the calendar quarter in which the employer files a notice of termination of his election or until the last day of a later calendar quarter as specified by the employer in such notice.

(2) An election as herein provided may exclude agricultural labor performed by employees in either or both of the following groups:

(i) Any employee whose compensation in cash paid by the employer during a calendar year is less than one hundred

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

fifty dollars and who does not perform such labor for the employer on at least twenty days during such year for compensation in cash computed on a time basis;

(ii) Any employee who is not a citizen of the United States and has been lawfully admitted to the United States from any foreign country or possession thereof on a temporary basis to perform agricultural labor.

(3) If a crew leader furnishes employees to perform agricultural labor for an employer, such employer shall, for the purposes of this article, be deemed to be the employer of such employees.

§ 2. This act shall take effect immediately.

TESTIMONY OF E. DAVID DUNCAN, ESQ. CHIEF COUNSEL JOINT LEGISLATIVE COMMITTEE ON MIGRANT LABOR

COMMITTEE CHAIRMAN
ASSEMBLYMAN STEPHEN R. GRECO

PREPARED FOR DELIVERY BEFORE THE
JOINT LEGISLATIVE COMMITTEE
ON
PUBLIC HEALTH AND MEDICARE

March 7, 1967

Appearance of E. David Duncan, Esq., Chief Counsel to the Joint Legislative Committee on Migrant Labor, before the Joint Legislative Committee on Public Health and Medicare, on the 4th day of March, 1967, E. David Duncan, pursuant to the direction of the Chairman of the Committee, the Honorable Stephen R. Greco, appeared before the J. L. C. on Public Health and Medicare, in order to have farm laborers included under Governor Rockefeller's compulsory health insurance bill. Although the bill was not passed by this session of the Legislature, the remarks of Mr. Duncan are herein enclosed, to set forth the reason for including farm laborers under the compulsory health insurance law, when it comes before the legislature in 1968.

Gentlemen: I am here today to cover one aspect of the bill under consideration today, to amend the Workmen's Compensation Law, the Insurance Law and the Social Welfare Law, in relation to health insurance benefits for covered employees.

The aspect which I am vitally interested in . . . and I hope you are too . . . or soon will become so — is the exclusion of benefits for farm laborers from this new social legislation.

I am not here to take up the merits of each and every section and sub-division of this bill, as that is outside of my particular competence. But I am here to implore you to include under this bill, in its final form, coverage for the 100,000 farm laborers in the State of New York. Obviously, all farm laborers would not fit into the criteria established by other parts of this bill, but there is absolutely no reason to have a blanket exclusion of farm laborers from coverage under any piece of social legislation covering health insurance for employees and their families.

It is a very sad commentary, but it is true . . . that from the beginning of this century farm laborers have been excluded from every important piece of social legislation passed in this State.

For example: Farm laborers are not covered under any minimum wage laws, the State equivalent of the Wagner Act, unemployment insurance and disability insurance, among others. It took almost fifty years for farm laborers to be included under a mandatory Workmen's Compensation Law, and even the law, as it was passed in the 1966 session of the Legislature, excludes workers on smaller farms from coverage.

This is a sad blot on the record of the State of New York and on this nation.

The Federal Government and the New York State Government is committed to alleviate poverty in the cities of the country and state. But by again excluding farm laborers from this new piece of social legislation, are we today helping to perpetuate rural poverty in our time?

It may be said that farm laborers could possibly be covered under the recently passed Medicaid legislation . . . but should it not be noted that where Medicaid is based on a need test, here a person can accumulate rights and maintain his dignity under a program of contribution, and not be dependent upon the administration of welfare agencies to take care of his health needs.

The question remains . . . WHY should a farm laborer and his family be excluded from a program that can greatly add to the dignity of the individual and his family.

I am not saying that I, or the Joint Legislative Committee on Migrant Labor, to which I am chief counsel, are taking a stand on the merits of this bill under your consideration, but I am saying . . . for what reason are farm laborers totally excluded.

There is no doubt that farm laborers are immersed in a pocket of poverty which the State of New York has helped to perpetuate, by denying to these farm laborers and their families the rights accorded to working men in every other industry.

You may well say that the employment term of most farm laborers would be too short to come under this bill in any event, but there is no doubt about it that thousands of farm laborers would come under this bill as it now exists, and for what reason are the farm laborers excluded from this legislation?

Gentlemen, in closing, I wish to state . . . do not take part in one of the great myths of our time, that for some reason lost in the haze of history . . . that farm laborers are not to be included in social legislation.

NEW YORK STATE
DEPARTMENT OF SOCIAL WELFARE

As shown in the annual report for 1966 of the Department of Social Welfare, transmitted to this Committee and to the Interdepartmental Committee on Farm and Food Processing Labor, this department is involved quite extensively with the migrant laborer in New York State.

Reports of expenditures included in this report, indicate the degree to which the Department of Social Welfare becomes involved.

It should be noted that local public welfare districts are no longer required to establish state charge status for the purpose of receiving 100% state reimbursement for medical assistance provided for non-residents of the state. This change occurred with the advent of the new Medical Assistance program begun in 1966, which makes medical care available to persons temporarily in the state on the same basis as it is available to state residents.

Excerpts from the New York State Department of Social Welfare report relating to migrant laborers are given here:

DEPARTMENT OF SOCIAL WELFARE

George K. Wyman, *Commissioner*
Antonio A. Sorieri, *First Deputy Commissioner*
George W. Chesbro, *Deputy Commissioner*

I. Child Care Centers

According to Section 390 of the Social Welfare Law and Rules of the State Board of Social Welfare the State Department of Social Welfare issues permits for the operation of child care centers in those migrant labor camps where such facilities are set up and meet minimum requirements. (These are facilities in or near the camps where young children from infancy to 14 years of age can be cared for during the day while their mothers are working in the fields.) These centers were operated by the New York State Growers' and Processors' Associations, Inc., under contract with the New York State Department of Agriculture and Markets. The centers are organized and supervised throughout the migrant season by the staff of that department.

II. Emergency Public Assistance

The policies and procedures regarding the administration of public assistance and care to migratory seasonal farm workers and their families have been liberalized by the State Department of Social Welfare (effective 4/28/55). Migrants are now defined as those persons and families coming from other states into New York State under the following conditions: (1) those migrants who are brought into New York State from out-of-state under the organized Farm and Food Processing Labor Program by contractors; (2) those migrants from out-of-state who come into New York State on their own and are employed as migrant laborers; (3) those migrants who come to New York State under (1) or (2) but remain beyond the current farm season not to exceed one year after their arrival in New York State. Migratory seasonal farm workers allegedly lack New York State residence and, therefore, if in need, are presumptively eligible for assistance and care as state charges; the earnings of these workers are dependent on weather and crop conditions; liquid resources, other than wages, are usually not available. These three factors are taken into consideration in the Department regulations which permit some modification of established policies and procedures in recognition of the special circumstances involved. Arrangements have been made by the State Department of Social Welfare for the local public welfare commis-

sioner to accept this type of case as a state charge by the issuance of the following Department regulations:

A. Determination of Eligibility: Modifications of Social Investigation: Data to be Obtained:

1. Establishment of State Charge Status
   - a. Applications for public assistance and care made by migratory seasonal farm workers may be accepted on the basis of presumptive lack of state residence in New York State.
   - b. The following data shall be obtained:
     - (1) The date when the migrant was brought into New York State by a contractor or the date he entered New York State as a seasonal farm worker.
     - (2) The locality and state from which he came.
     - (3) The migrant's statement as to his residence during the year preceding his arrival in New York State as evidence of presumptive state charge status.
     - (4) The name and address of the labor contractor and the farmer or employer in New York State. If the migrant has not been brought into New York State by a contractor, the name of the farmer or employers for whom he has worked since entering the state.
   - c. When application for assistance is made after the current farm season, or when, during the season, the applicant indicates that he came to New York State as a migrant worker, but subsequently changed to non-migrant work, some substantiation shall be obtained that he, in fact, came to New York State as a migrant during the year. NOTE: "Current season" is usually from May through November.
2. Determination of Need
   - a. The earnings of the migratory seasonal farm workers who are here for the current season are dependent on weather and crop conditions; liquid resources other than wages are usually not available. However, some of these workers may be covered by Workmen's Compensation, New York State disability benefits or other insurance benefits. Therefore, these resources shall be explored and income from them determined. (NOTE: 66% of the farmers or growers are covered by some form of voluntary insurance.)

b. If the application for public assistance or care is received after the close of the current farm season the usual policies and procedures for determination of need are applicable.

B. Standards to be Applied:

Local public welfare agencies shall provide public assistance and care to migratory seasonal farm workers during the current season in accordance with the same standards as apply to persons having New York State residence whose need is determined to be short-term.

For those who remain after the current season and apply for public assistance or care, determination shall be made whether they will be short-term or long-term and the same standards governing New York State residents shall apply.

One hundred per cent reimbursement is allowed to the local public welfare department which has authorized and paid for such care in accordance with Department regulations on all cases approved as state charges. To assure that migrant workers get such emergency assistance and care without the need for an exhaustive and time-consuming investigation, the State Department of Social Welfare has modified its regulations as stated above. These regulations will thus make the majority of migrant workers eligible for emergency care where no other person or agency is able and willing to assume responsibility.

III. Emergency Medical Assistance

Heretofore medical care (including hospital care) was available to the migrant labor group in New York State on the same non-resident, state charge basis as described above for emergency public assistance. While financial eligibility requirements continue for both emergency public assistance and medical care, although more liberalized for the latter, it is no longer necessary for local public welfare districts to establish state charge status for non resident recipients of medical care.

The new Medical Assistance program implemented in 1966 makes medical care available to persons temporarily in the State, on the same basis such care is available to residents of the State.

Therefore, the State no longer reimburses local public welfare districts at the rate of 100% for medical care provided for state charges. Localities are now reimbursed on a proportional basis for such care provided for both State residents and non residents.

When the applicant is otherwise eligible, medical assistance for individuals temporarily in the State is provided under the following conditions established by Department Regulation Section 360.12:

(a) Medical assistance shall be furnished to an individual who is a resident of another State, who is temporarily in this State, providing such medical assistance is not available from the State of residence and such individual did not enter this State for the purpose of receiving medical assistance or in contemplation of receiving the care and treatment under the medical assistance program of this State.

(b) In the event the medical assistance for which an applicant or recipient is eligible in the State of residence is limited in duration or scope, the extent of the medical assistance which is provided and for which he is eligible in this State shall be authorized after utilizing the medical assistance for which he is eligible in the State of residence as a resource.

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(c) When application for medical assistance is made by a person who is temporarily in this State, the welfare district in which he is found shall assist the appropriate welfare agency of the State of residence in making the investigation and arranging for his care providing he is eligible or presumptively eligible for medical assistance in the State of residence.

NEW YORK STATE EDUCATION DEPARTMENT

Through its project "SOMEONE CARES", the State Education Department continued in 1966 its eleventh consecutive year in the administration of a program for the children of migrant workers in New York State.

Through the cooperation of local school officials and the total financial support of state and federal funds including a grant over the past two years from the Office of Economic Opportunity, the State Education Department has been able to expand its program both in areas of the state covered and in the number of children involved. In 1964, the program involved 400 children in 27 class groups located in 13 different centers. In 1966, 2326 children were involved in 161 classes in 28 different centers. Under the direction of Walter Crewson, Associate Commissioner of the State Education Department, the program has been most successful in achieving its goals.

Excerpts from the 1966 report of the Summer School Program for children of seasonally employed agricultural workers, titled "SOMEONE CARES" are re-printed here:

In Retrospect:

Each year thousands of migrant laborers come into New York State to assist with the planting, cultivating, harvesting, and processing of our crops. The well being of our agricultural industry depends upon this supply of labor. This year (1966) about 17,000 migrant laborers were employed in the State. They were housed in some 627 labor camps. Many of these people come to this State as family units bringing their children, numbering about four thousand, with them. It is with these children that we are concerned.

The children of our migratory workers are among the most educationally neglected children in the nation. Because of the way they live, it is extremely difficult to provide the stability, and normal family life required for them to become well adjusted citizens. Until fairly recently "nobody cared". Fifteen years ago (1951) a Presidential Commission found that "the education of the children of migratory farm workers (and their parents) is one of the most urgent and essential of the many steps which the nation can and should take to improve the lot of migrants who for so long have been deprived of what the rest of us take for granted".

The New York State Education Department, together with the Governor's Interdepartmental Committee on Farm and Food Processing Labor, has conducted an intensive campaign to improve the lot of the migrant worker. Initially, the Education Department's effort was directed toward requiring school attendance of these children during the regular school year. The Department encouraged local school authorities to take an annual census of migrant children and require these children's attendance when school opens in September. Census reports are submitted annually to the State Education Department. In 1956, following visits by State supervisors to areas of migrant concentration and an evaluation of census reports, the Department requested an appropriation of $10,000 by the Legislature to establish two pilot summer schools for children of migrant workers. Approval by the Legislature led to the establishment of a summer school in Albion for 54 children and one for 26 children in East Cutchogue, Long Island. In 1957 the program was repeated in Albion. East Cutchogue did not repeat due to lack of children. In its place North Rose established a program. The North Rose program has been continuous since that date.

From this modest beginning the program has grown steadily. The New York State Legislature has increased its financial support until currently the Legislature appropriates $80,000 annually for this purpose. In 1965 the Department submitted a project to the Office of Economic Opportunity under Title IIIB of the Economic Opportunity Act and was granted $225,000 in federal funds to expand the program. Growth in attendance during the summer of 1965 was dramatic. The federal grant made possible attendance by children of seasonally employed agricultural workers in addition to true migrant children.

In 1964 the summer program involved 400 children in 27 class groups located at 13 centers. In 1965 with the increased financial support, 1542 children and 105 classes were located at 26 Centers. This year the federal contribution was increased to $388,266. The State contribution remained at $80,000. A total of $468,266 was made available. Attendance increased to a total of 2326 children in 161 classes located at 28 Centers. The chart in the appendix will give a more complete picture of the growth pattern since 1956.

An Innovation

This year a Migrant Advisory Committee was organized to provide the Education Department with guidance in the development of programs for intra- and inter- state migrant children of elementary and secondary school age. The committee is composed of a superintendent of schools, four district principals, and two laymen. This committee met shortly after the summer school program terminated. A copy of their minutes is appended to this report.

Organizing the Program

During the summer of 1966 programs were operating in the following Centers:

Community	*Enrolment*	*Classes*
Amsterdam	210	16
Center Moriches	21	2
Dunkirk	30	3
Farnham	139	6
*Frankfort	23	2
Hempstead	59	4
Highland	51	4
Leavenworth (Wolcott)	171	11
Lyndonville	30	2
*Lyons	162	10
*Marlboro	66	5
Mooers	64	3
Newburgh	266	19
North Rose	155	11
*Red Creek	26	2
*Savannah	50	4
*Sherrill	50	3
Sodus	182	11
South Cayuga	54	3
South Orangetown	60	6
Spring Valley	91	8
*Warwick	67	4
*Wayne (Ontario)	46	3
*West Winfield	31	3
Westbury	45	3
*Westmoreland	52	4
Wheatland-Chili	21	2
Williamson	104	7
Totals	2326	161

*Had access to child care centers.

The average class size for the year was 14.4. The regular classroom teachers' efforts were supplemented by art teachers, music teachers, physical education teachers, nurse teachers, psychologists, speech teachers, and others.

Centers offered quite similar programs, and had similar organizations. Students, insofar as possible, were grouped with their age-mates. Instruction was individualized as much as possible. Teacher aides, often parents of migrant children, were employed. All programs were housed in public schools. Pupils had the use of classrooms, libraries, cafeterias, gymnasiums, clinics, sanitary facilities, health suites, and playgrounds as needed.

In ten Centers child care programs, under the direction of the Department of Agriculture and Markets, were housed in the same buildings, or were readily accessible. Child Care Centers are a valuable supplement to the summer schools. In many instances older children would not have been able to attend summer school if younger siblings were not cared for at the Child Care Centers. The annual report of 1965 indicated, "Although a few school administrators were reluctant to initiate Day Care Centers, it is obvious that from a purely administrative viewpoint, advantages far outweigh disadvantages. In terms of the children themselves, which should be our sole criterion, there is no question as to the desirability of a total, coordinated, full-day program." Efforts will be continued to enlist the cooperation of communities in carrying on a coordinated Child Care and Education program.

A Program of Enrichment and Compensatory Education

A strong emphasis on health and safety permeated all programs. The basic skill subjects received their appropriate emphasis. Centers assisted individual children in the acquisition of literacy skills — reading, writing, listening, speaking. Time was devoted to broadening the social and physical well being of the child, as well as his academic well being. Muscular activity as well as mental activity was encouraged. Imaginative and dramatic interpretation, music and singing, field trips, and other first hand experiences were included. The morning snack and the midday lunch were educational as well as nutritional.

Teachers at many Centers visited the homes of each child. All Centers made an effort to counsel with parents.

Have Things Gone Well?

Three consultants were employed to visit the Centers during the summer. Reports from consultants provided the schools and the Department with evaluative data. They also provided the Centers with "on the spot" supervisory assistance. Centers were encouraged to send evaluative reports of their programs to the Department.

A two-day evaluative conference was held in Syracuse on on October 18-19, 1966. It provided the participants of the summer programs with an opportunity to review the offerings of all Centers and exchange innovative ideas. Twenty-three of the 28 Centers were represented at the conference. Administrators, teachers, college professors, and lay citizens of various community action groups were in attendance. The meeting also included participants from the states of New Jersey, North Carolina, Pennsylvania, and Virginia, as well as a representative from the United States Office of Education. A copy of the agenda and a roster of participants may be found in the appendix.

A Few Pertinent Evaluative Comments from Teachers are Appropriate:

"Towards the end of the program one can see, hear, and feel the children's extreme competitive attitude, start to mellow toward greater respect for others, and a cooperative spirit began to grow."

"Since no marks or grades were held as a threat over these children, each child found an opportunity to enjoy a success experience."

"It takes time to make a child feel loved and respected. It cannot be done by a 'too busy teacher', no matter how hard she tries. A class of only eleven gives one the time."

From the Mouths of Children:

Bernard, a shy boy, the best reader among the boys, who played the part of Bambi in a play, presented on parents' night said, 'I like being on the stage. I never had a chance to talk before."

Tommy, eight years old, told his teacher, "I'm glad I come Mis' Kelly, I'm gonna read now."

Little undernourished, uncared for Garry, seven years old, asked his teacher for permission to stay on with her until evening on the last day of school. When told his mother would wonder where he was, therefore, he'd better go home, his answer was, "Nobody'd miss me. Nobody cares where I am."

It is our belief that this program testifies to the fact that:

"SOMEONE CARES!"

Conclusions

1. Programs operating in the 28 Centers provided 2326 children of seasonally employed agricultural workers with educational enrichment and remediation.
2. Continued expansion of the program to include children of seasonally employed agricultural workers, in addition to truly migrant children, significantly increased the number of disadvantaged children assisted.

3. Child Care Centers operating in conjunction with, or adjacent to, summer schools make possible increased pupil attendance and more regular pupil attendance at summer schools.
4. Programs are particularly effective and responsive to the special needs of these children because of the smallness of class size.
5. The freedom granted local authorities to be flexible in their curriculum offerings makes possible the opportunity to satisfy children's specific educational needs.
6. Centers were enthusiastic over the assistance provided by State and college consultants.
7. The annual fall evaluative conference for all summer school participants requires all to evaluate and improve their programs. The inclusion of out-of-State participants in this conference brings innovative experiences to the attention of both teachers and administrators.
8. Local districts make contributions to the program above and beyond the funding on a federal and State basis. They utilize many professional and non-professional staff members on district and community payrolls. Volunteer assistance from persons living in the community enrich the programs.
9. The Migrant Advisory Committee will provide the Education Department with valuable assistance in future efforts to provide more opportunities for the disadvantaged migrant child.

Recommendations

1. There is a need for additional teacher workshops, similar to the Geneseo workshop of last year.
2. In addition to the Geneseo type workshop there is need for regional workshops in the immediate local area for those teachers who are unable to attend the college-centered workshop.
3. If programs are to be more carefully planned, local districts need earlier commitments from the Education Department. All authorizations should be received by local districts prior to March 1.
4. Efforts should be continued and intensified to provide local school authorities with pertinent scholastic and health records on individual children.
5. We should continue our effort to employ parents of children as aides in the program.

6. Teachers should be encouraged to utilize a more informal approach to instruction.
7. More effective evaluative efforts at both the State and local level are to be desired.
8. A handbook for teachers containing suggestive techniques, procedures, policies, and the philosophy supporting this program should be prepared and distributed by the State.
9. Local Centers should make increased efforts to schedule summer programs so that they correspond more closely with crop schedules.

DATA: "SOMEONE CARES" PROGRAM — State Education Department

Center	1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		C.T.R.
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	
Albion	54	X	54	X																			X
Amsterdam																			47	4	210	16	12.8
Bridgewater																	29	2					14.5
Camden									13	1													13.0
Center Moriches																					21	2	10.5
Clinton							34	X	61	2	62	3	43	3	42	3	45	3					18.7
Dunkirk																					30	3	10.0
East Cutchogue	26	X					18	X									16	1	16	1			16.0
Farnham																			46	3	139	6	20.5
Frankfort																			18	2	23	2	10.2
Hannibal									17	2	20	1	12	1	12	1							12.2
Hempstead																			29	2	59	4	14.6
Highland																			48	3	51	4	14.2
Leavenworth																			126	8	171	11	15.5
Lyndonville																					30	2	15.0
Lyons							33	X	33	2									94	6	162	10	16.1
Marlboro													29	2	29	2	49	3	81	6	66	5	14.1
Mooers																			21	2	64	3	17.0
Newburgh																			142	12	266	19	13.2
North Rose			35	X	39	X	26	X	36	2	47	2	54	3	51	3	34	3	103	7	155	11	15.5
Nyack																			44	4			11.0
Port Byron																	10	1	15	1			12.5

C.T.R. = Classroom-Teacher Ratio X = data unavailable A = enrollment B = classes

DATA: "SOMEONE CARES" PROGRAM (Continued)

	1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		C.T.R.
Center	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B	
Red Creek					59	X													10	1	26	2	13.0
Savannah																			25	2	50	4	12.5
Sherburne											37	2	36	2	36	2	26	2					16.9
Sherrill											45	2	27	2	54	2	38	2	27	3	50	3	17.2
Sherwood													58	3	27	3	53	3					15.3
Sodus																			130	8	182	11	16.5
South Cayuga																			57	3	54	3	18.5
South Orangetown																			61	6	60	6	10.1
Spring Valley																			70	6	91	8	11.5
Waterville									30	2	39	2											17.2
Warwick							24	X	26	2	25	2	39	2	32	2	41	2	65	3	67	4	17.4
Wayne																			36	2	46	3	16.4
West Winfield											24	1	31	2	30	2	12	1	41	2	31	3	15.4
Westbury																					45	3	15.0
Westmoreland									61	2	51	3	42	3	42	3	30	2	120	4	52	4	18.9
Wheatland-Chili																					21	2	10.0
Williamson																	17	2	70	4	104	7	14.7
Totals: Centers	2		2		2		5		8		9		10		10		13		26		28		
Classes	X		X		X		X		15		18		23		23		27		105		161		
Enrollments	80		89		98		135		277		350		371		355		400		1542		2326		
Class-Teacher Ratios	X		X		X		X		18.5		19.4		16.1		15.4		14.8		14.7		14.4		

C.T.R. = Classroom-Teacher Ratio X = data unavailable A = enrollment B = classes

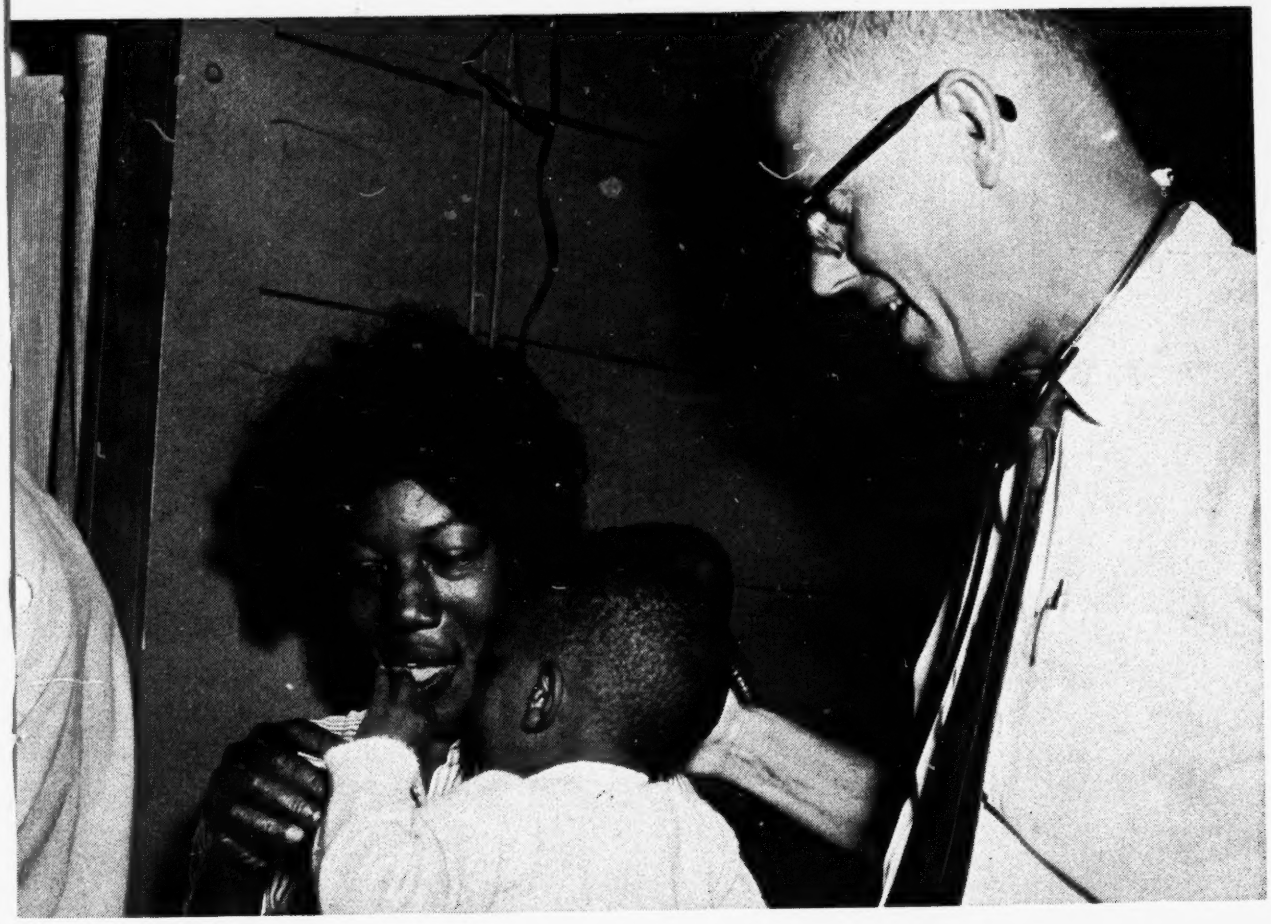
REPORTS OF VARIOUS OTHER AGENCIES

NEW YORK STATE COUNCIL OF CHURCHES MIGRANT MINISTRY:

Probably one of the most active agencies in the field of work with the migrant is the New York State Council of Churches Migrant Ministry directed by Rev. Robert T. Cobb. One of the first in the area of assistance to the migrant, their programs have expanded annually in areas of service and numbers of personnel involved.

Expenses in the Migrant Ministry in 1966 totaled $48,034.87. This agency estimates that between twenty and thirty thousand migrants came into the State of New York in 1966 and that these migrants centralized their activities in several areas of the state, namely, the suffolk County area of Long Island, the Mid-Hudson Region, the Great Lakes Plain including both Erie and Ontario and on down into the Finger Lakes with Central New York also being involved.

The ministry has no less than 21 and no more than 23 separate "committees" working with the migrants during 1966 in 24 different counties of New York. The number of committees depending on the activities in any one area at any one time.



Many areas maintain seasonal chaplains or committee workers depending upon the pressures of the local field. Four committees which now involve five counties have entered into full-time ministry within the migrant field.

According to a report of the State Labor Department, sited by the Migrant Ministry, almost half of the migrants in New York State are resettled or "local" migrants. The report states that 11,000 migrants in 1966 came into New York from the Florida stream. 9,000 were resettled or "local" migrants and another 1,000 were what is termed at the "state stream" or those being residents of New York land working within the state but floating with the crops throughout the state. Only 825 were registered Puerto Ricans or those who enter the state under contract before they leave Puerto Rico and work within the state.

Full-time coordinators or directors of the Migrant Ministry are now assigned in Suffolk, Ulster, and Genesee-Orleans Counties and in Steuben County, a full-time director is available for additional assignments in the other seasons.

1966 Area Reports are incorporated in this annual report as are reports of Special Projects of the New York State Council of Churches Migrant Ministry. The 1966 Report of the Director is also included.

AREA REPORTS BY REGIONS

Erie-Niagara

In this region there are three fields of work. The *Southwestern* Committee (including Chautauqua and Cattaraugus Counties) around Dunkirk now has a new chairman, Dr. Willard Gaeddart, a faculty member at Fredonia. He replaces the Rev. Wesley Bourdette, who has assumed the directorship of the Wayne County Community Action Program. This committee has also arranged with Colgate Rochester Divinity School for the continuing service of their summer chaplain, William Northrup. With this development they have created sub-committees with special responsibilities to keep a full year control over their program.

The *Erie-Niagara* Committee has two distinct fields — the North Collins area and the Niagara County field. Following the summer disturbances in the North Collins field, a program of community involvement and dialogue has emerged which should bear fruit. In the Niagara County area the interest of the community has resulted in a Harvest Chapel being created from the merger of two churches to serve the resettled migrants all year long.

Ontario

The *Orleans* and *Genesee* Committees have decided to form a committee of concern and have hired the Rev. James Proctor as a coordinator. Mr. Proctor served this field as a migrant chaplain two years ago. At present his work will be with forms of migrant work in the two-county area. The Committee of Concern hopes to expand to other joint ventures after a pilot period.

The *Monroe* Committee of the Rochester Council of Churches continues to be productive and coordinates their work with the total program of the council of churches under the leadership of Mrs. Helen Telfer and the chaplain, the Rev. James Goins.

The several committees of the *Wayne* County area are being joined in their work among the many camps by their Roman friends.

Ontario-Yates basic crop seems to be sugar beets with the workers in this field faced with the construction of an almost completely automated plant. With the publicity given such a plant, the need for the migrants has gradually been declining. However, the problem still exists and this committee works in all ways possible to meet their immediate needs and is helping to work with the Office of Economic Opportunity in the development of a multi-county migrant teaching-training program under the auspices of the Cayuga County group out of Auburn.

Southern Tier West

The Southern Tier West Region is served basically by the *Steuben* Migrant Committee under the chaplaincy of the Rev. David Jones. This is an open field during the winter and Rev. Jones only receives travel allowance. However, this committee is now venturing into a new form of migrant work in the use of a VISTA couple for a year-round contact with the resettled migrants in the area and continuing the work of Mr. Jones.

Central

The Central Region has this summer centered most of its pilot work in the King Ferry situation with the Office of Economic Opportunity project created out of the *Cayuga-Tompkins* Migrant Committee. This was a venture to help understand the relationship of the migrant community and working avenues of the poor and how to coordinate this within a community action program. The areas of northern Cayuga County and some of Oswego County were handled by local church activity. The multiple committee of *Oneida-Madison* worked within Madison County to bring in the general coordination of the program in that area.

Southern Tier East

The Southern Tier East consisting of Tompkins, Tioga, Broome, Chenango, Otsego and Delaware Counties has relatively little migrant work at the present time. The *Chenango* Committee continues to exist as a supporting committee for which the New York State Council is very thankful.

The active area is in *Tioga* County. It has a very short season and is limited to an area around Richford. This is a potato area and we now find that they have become almost mechanized out of existence. It is hoped that other avenues of service for this committee can be found.

Adirondack-Mohawk

The area here crosses regional lines. The Oneida County and Madison County Committees are centered in the Rome area complex. There are four local committees in this direct area, namely, Clinton, Rome, Waterville and Hamilton. These four committees work within their own area and comprise the actual *Oneida-Madison* Area Committee. Each of these committees tried to involve their local service groups in trying to create a better situation for the migrants. With the new interest in poverty programs created by both the federal and state governments, there has been a greater access to material and a little more cooperation with the existing agencies in finding services for these needy people.

Upper Hudson

In the Upper Hudson Region the working committee is the *Columbia* Committee. This committee too is facing the problem of mechanization. Because of this there is a desire to leave the migrant stream and seek employment elsewhere. Some find this a futile effort and remain in the area returning to the seasonal work the next year.

Mid-Hudson

In the Mid-Hudson Region there are two main groups at work in Dutchess and Ulster Counties. The *Dutchess* Committee under the direction of Mrs. Eleanor Benjamin has worked in several areas in the fruit picking region and at present trying to move more into a coordinated program in Red Hook or other areas of the county. The office of Economic Opportunity is becoming interested in this area and probably a program coordinated with the interest of the migrants will be worked out.

The *Ulster* Committee (Milton) working under the Milton Project, a three year pilot project for the Council, has reached a point now where involvement must come from both the existing established community and the resettled migrants. Both must be willing to become involved, both willing to enter into dialogue and answering more than an immediate need or an emergency situation.

The *Warwick* Committee in the lower part of the Mid-Hudson Region had a unique situation in having an interfaith group at work this year among their Puerto Rican Camps. This group worked hard with a Spanish-speaking chaplain and involved a local synagogue in caring for one of the camps. They are looking forward to next year's venture with more assistance in Spanish-speaking chaplains.

Long Island

The *Suffolk* County program operated in conjunction with the Suffolk County Council of Churches with their chairman, the Rev. C. Roger Nelson. This year a new chaplain for the full-time ministry, the Rev. Herman Stone, was employed. They, too, have had Economic Opportunity and day care programs and are continuing a full-year ministry as their program has in the past.

SPECIAL PROJECTS

King Ferry

Last year the King Ferry Committee looked into the possibilities of receiving funds from the Office of Economic Opportunity. In conversations with the local director, Abraham Bolgatz, it was decided to present the program for a project. This was undertaken and a program was devised under Title II, which meant that the local committee would still continue as a migrant committee and have sustaining funds from the major support and local support groups. However, they would also incorporate into a King Ferry Committee and as such would receive funds for a project to continue and enlarge the already existing program.

This was done and following the rush of devising the project, re-evaluating it and re-submitting it, the program was funded by the Office of Economic Opportunity. Immediately, the question arose as to the relationship of church and state, the operation of the program and whether the old program involving religious activities could be held under the new avenues of endeavor created by the Economic Opportunity Act, the general situation as to what could happen under the Office of Economic Opportunity, under the church, what the growers expected, what the migrants expected, what the committees expected and what the support groups expected. All this began to play and each force had its position. Ultimately, there was some misunderstanding, some confusion, some trials and errors. But, in general the program was quite successful for the first venture.

The local committee will have support again for next year for the project. Whether they may receive Economic Opportunity funds or not is still a question. However, we have found that from this experience, from its failures and from its successes that there is a place for both the church and the government in the Migrant Ministry — not in opposition, not in support, but in parallel roles with each striving to help these people help themselves with dignity and answers to their immediate problems.

Milton Project

For many years now the Council of Churches and the local area groups of Ulster County have conducted a program they call "The Milton Project". The Milton Project has now reached a point where it must enlarge its scope of activities and its avenues of interest. It has received added support now from the various judicatories of the Mid-Hudson Region and the interest of the Steering Committee of the Mid-Hudson Region.

Parallel to this another development in that area is the Southern Ulster Migrant Assistance Committee (SUMAC) with the use of federal Office of Economic Opportunity funds. This is now beginning to cause the committee to re-evaluate the role of the Milton Project because there are dual responsibilities by some people in this work. The project is now beginning to look into the avenues of New Paltz and Marlboro. They are becoming active in trying to have the migrants voice their thoughts in helping them to create a fuller life in the community. The Migrant Commission of the State Council will be watching this program with much interest and continue to evaluate ideas that may be helpful to other committees within the framework of the council of churches.

Genesee-Orleans

These two county committees, Genesee and Orleans, having maintained local migrant committees, hiring summer chaplains and staff for work throughout the summer became aware that the resettlement problem was as important to them as the harvest or summer sessions. Therefore, they have banded together into a committee called the Genesee-Orleans Ministry of Concern and have hired a former migrant chaplain, the Rev. James Proctor, as their director for a three-year experiment project.

The funds for this program have come from the area judicatories that have supported the regular harvest program throughout the summer and are now willing to undertake the project to expand in their ministry to these people in need. Ultimately, their hope is that the committee may undertake more than just the Migrant Ministry.

The director's responsibility will be to seek out, counsel and help these people to relate to the programs of the local churches and make the churches of the area ever mindful of the needs of others right outside their front doorstep. Truly an active answer to the parable of Dives and Lazarus.

The above are only three of the many areas involved throughout our work with the migrants in the State of New York. We hear much on the national political scene of the migrant and black power. We hear much from the National Council of Churches on the same problem. The New York State Council of Churches through the Migrant Commission is working to coordinate as much activity as possible. However, each local group must be responsible for a program within their own area, specifically tailored to their needs — the needs of those they desire to help and the community that desires to help them.

REPORT OF THE DIRECTOR

As in all digest reports not everyone involved could be named or every program highlighted. However, the trend this year has been to be involved with the local Office of Economic Opportunity programs or Community Action Programs to recognize the greater needs of the community, to face up to the problems of the resettled migrant and to the appalling conditions that force the traveling stream migrant to exist, work and be productive.

The problems are great and will not be solved overnight. An awareness by both communities of a mutual understanding and trust must be brought into being before any concrete and advanced lasting development may enter in this field. Automation and mechanization of farm in harvesting and planting are putting some of these people out of work. But these people can train also to do the work on these machines that is required.

The migrant field this year has felt the rising tide of the poverty people to receive an adequate or just measure of opportunity within this country. We have been fortunate that violence has been very little. We have had strikes. Next year will be no different. But only an awareness during the winter season by the various area committees for the problems they will be facing in the future and trying to correct some of them, not from outside, but from within, will we find a more lasting solution to the problems of the strangers in our midst.

We are now faced with a new situation — the problem of the rural poor and resettled migrant and this is becoming not only a concern of the government, but a concern of the local committees who are mostly active during the harvest time or the summer growing season and the employment of chaplains during the peak periods. What this means is that the committees must revitalize themselves to the point of looking forward to a full-year type of ministry in this field and also to re-survey their local area and realize that they have a responsibility to the migrants and to the church beyond the several camps to which they have access and that all migrants are their parish no matter where they reside.

The continual activities of individual needs being answered through health kits, writing kits, clothing, the day care centers, the health centers, Project Head Start, the adult traning programs are also vital to the lives of these migrants and, therefore, should be looked into very carefully and continued with the utmost dedication by our local committees.

Our local committees should not be afraid to approach the various judicatories in that area to obtain funds or to work out projects necessary for those areas. This would naturally have to be done before budget time and before their program committees so that the answers would be available to them at their annual meetings.

This means every committeee must sit down and review a program not only their program, but a program that would work in the local schools for the continuing education of these people.

The committees must work with the health departments not only to make better living conditions, but create better health facilities for these people. They must also realize that there are many problems which a community does not want to face in which the emerging citizens of this country are forcing the community to face.

With the realization of the problem, the resources of local, state and federal government will be open and with the coordinating ventures by the church doing this with dignity and with humility, the values will come forth and we will find that we are not the keepers of our brethren, but we, too, can learn. They are not slaves, but they are productive people in a

society that has great need for many forms of production. The mission of the church is not only abroad in the world, but right outside our own doorstep.

I would like to express the thanks of the Commission on Migrant Ministry of the New York State Council of Churches to all the many people involved to make a program operate. Disappointments may be many, crises will always appear, but with dedication and hope, we will succeed. Many times we will fail, but we can fail without trying. We must try and thereby succeed in that we do it for the least of these, our brethren. We do it for the one who calls us to follow Him, to become Christian.

Robert T. Cobb
Director

SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS

Since its inception in 1952, the Joint Legislative Committee on Migrant Labor has maintained a policy of keeping in close contact with the migrant worker during the entire time that he has been in the state.

Immediately upon its creation, the committee began to concern itself with the conditions of migrant labor in the state that had lead to a great deal of comment by dedicated individuals and groups who were sensitive to conditions that prevailed in migrant housing and working conditions.

Members of the committee and the staff have made annual and frequent visits to the migrant labor camps throughout the entire state, such visits beginning in many instances before the camp is opened in the Spring and continuing until the camps have closed in the late Fall.

Through these personal visitations to farm camps, through frequent consultations with growers and operators and with officials of such farm agencies as the Farm Bureau and the New York State Grange; visits to community leaders, county officials, church leaders; through continued contact with agencies of other states and the federal government, the Committee proposed and enacted into law many measures that have since become a pattern for federal legislation and have been emulated by other states.

Through the work of the Joint Legislative Committee on Migrant Labor, working closely with the Interdepartmental Committee on Farm and Food Processing Labor and with other state and local agencies and departments and through continuous study and evaluation of the needs of this seasonal labor group, our state has pioneered legislation that has contributed to the betterment of living and working conditions of the migrant and his family in this state as well as created a climate that has made farm labor adequately available for the agricultural interests of the State of New York.

Since 1952, we may note that the Legislature has passed into law or the various state agencies and departments, acting within their powers through the influence of this committee, have brought about many changes leading to an improvement of the migrant labor situation in this state.

Improvements in health and sanitation standards in the migrant labor camps were a result of enactment of a law which brought every labor camp which housed five or more persons under inspection by state agencies. Under this law, the Department of Health established a new sanitary code which sets forth more specifically the various sanitary and health provisions which must be met by each camp in order to receive certification to operate. This department was also able to establish new penalties in the way of per diem fines for those who operate camps without permits from the Health Department.

In order that migrant workers who come into the state may drive their own vehicles, the Committee has passed legislation that gives them the privilege of obtaining for the nominal fee of $2 per year, a temporary permit to use the vehicle, either passenger car or truck, in the state while residing here, providing the vehicle is covered with the proper type and amount of insurance as required by state law. This provision also extends to holders of operators and chauffeurs licenses.

Further, under the direction of this committee, the State Department of Health has established an order which states that by 1967, all buildings used on farm labor camps as sleeping quarters to be occupied by fifteen or more persons must comply with the provisions of a fire-resistant housing directive.

In the past, operators of commissaries on farm labor camps used devious means to charge excessive prices to migrant laborers for goods purchased in the commissaries. This committee enacted legislation requiring such operators of commissaries to post prices of all goods for sale in the commissary. This has eliminated the practice of over-charging migrant laborers for such goods. It is felt that while many articles thus sold are slightly higher in price than those which prevail in supermarkets, they are consistent with the reduced puchasing power of the commissary operator and give the purchaser an opportunity of comparing prices in the various farm operated and public stores.

Two areas of state approach to bettering the conditions of the migrant and his family have received encouragement and expansion under the direction of the Joint Legislative Committee.

The first, the Child Care Centers in various parts of the state set up by the Department of Agriculture and Markets. These centers provide pre-school care for children of the migrants, while their mothers and fathers are working in the fields. The number of these Child Care Centers has increased steadily from fifteen in 1964 to over thirty in 1966. The number of children cared for in the centers has now reached over 2000 per year.

Next, the state provides nearly 100 percent of the funds for the operation of special summer programs by local school boards where children of migrant labor groups may receive some formal classroom education during the summer months when they are in New York and when schools throughout the state are not opened to permit them to attend regular classes. This program has been rated as highly successful.

In addition, the state education law requires that children of migrant workers must attend local public schools if they are residing in the state during the regular school term. Recent information gathered by the Committee substantiates that this law has been effectively enforced by the New York State Education Department. Visits by the committee in 1965 and 1966 to labor camp areas proved that there was substantial compliance with the law in the areas visited.

A requirement for keeping payroll records, subject to examination at any time, was a further achievement of this Committee.

One of the most influencing legislative acts to come as a result of the Committee study has been the establishment of the registration law relative to crew leaders. Through the present registration system that provides for fingerprinting each year of crew leaders and a more thorough screening by the State Labor Department, several crew leaders have been found to carry criminal records that would not justify their being admitted to the state as such. Such a procedure has resulted in a better class of crew leader bringing their workers into the state. A great part of migrant labor operation depends on the crew leader himself; responsible leaders must be secured to guard both the farmer and the workers.

Recent legislation also provides a greater fluency of operation of crews between one grower and another thus cutting down the slack periods that might exist when one grower's crops are not ready for harvest while another's are.

While it is obvious that much has been done in the past to improve the conditions of the migrant laborer in New York State, we recognize that there is still much to be done. Our concern for efforts still to be made is contained in the section of this report titled "Recommendations."

Findings

This Committee, by means of extensive tours of many migrant camps throughout the State of New York in the past year, and by means of the public hearings held on the subject of migrants and other farm laborers, has found that once again migrant laborers and their families are living under conditions which equate in some instances the worst slums of city dwellers. The State of New York and more recently the United States Government, has passed some remedial legislation in this field, but it is very apparent that it is not enough. In order to establish a feeling of dignity among farm laborers and their families, which they are justly entitled to, legislation must be passed to give this group the rights which all other Americans take for granted.

The inforcement of the statutes already enacted by the State of New York is in most instances effectively carried out, but in some areas, owing to lack of administrative help, and the closeness of enforcement officials to the community in which they reside, there are pockets of poverty and substandard housing conditions throughout the State of New York. Your Committee has further found that the State Sanitary Code as it now exists is defective in two important jurisdictional parts, which allow some structures HOUSING farm laborers to be under the code and others not, with the subsequent different standards of living imposed on both. Your Committee has also found that farm laborers receive an income far less than any group now employed by any industry in the State of New York, which is in part caused by the fact that farm laborers are not included under any state minimum wage law whatsoever. The pocket of economic depravity which migrant and other farm laborers are caught in will not be alleviated by any voluntary action on the part of the growers. This is not to say that all growers are unenlightened but there are certain ones who will only take steps to alleviate the conditions of the migrant laborers when forced to do so by statute.

Recommendations

1. Your J.L.C. on Migrant Labor recommends that the State Sanitary Code be amended to change the definition of a farm labor camp from the present standard of 5 or more farm laborers to a standard of one or more, in order to extend the jurisdiction of the Sanitary Code over small migrant camps which are now not protected by the New York State Sanitary Code.
2. Your Committee also recommends that an extensive study be made by the State Health Department to determine the feasibility of extending the sanitary code to those facilities occupied by *all* farm laborers, and not those not on a year-round basis.
3. Your Committee was very pleased with the operation and extension of the Child Welfare Centers of the Department of Agriculture and Markets. We feel that these centers be expanded to increase the good work that has been done in the past, in this very necessary area.
4. We recommend that the New York State Legislature amend the minimum wage law to include agricultural workers who are presently denied the protection of this law, for some reason lost in history. It should be noted that every other industry, with the exception of domestic help, is covered by the New York State Minimum Wage Law . . . there is no reason for such discrimination to exist. It should be further noted that the argument presented by some farm groups that New York State farmers would be rendered non-competitive is actually an argument presented by every other industry which has fought progressive legislation in the past. If the State of New Jersey can enact a minimum wage law protecting farm laborers, although at a reduced scale, why should the great State of New York fail to do so and thereby help perpetuate poverty on a large group of our citizens.
5. It is also recommended that this Committee investigate, in the coming year, the feasibility of including farm laborers under disability insurance, unemployment insurance and the New York State Labor Relations Act.

APPENDIX

NEW YORK STATE

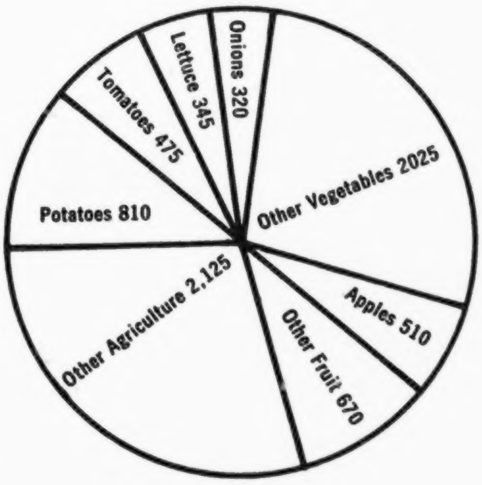
Estimated Employment of Seasonal Hired Agricultural Workers, Total and Origin of Workers as Reported in ES 233 "In-Season Farm Labor Reports".* for Periods listed, 1966 and 1967 (Thousands of Workers)

Origin	Total Agriculture	Local	Intrastate	Interstate	Foreign
May 16-31, 1966					
Number of Workers	7.8	5.0	.3	2.5	——
Percent	100.0	64.1	3.8	32.1	——
May 16-31, 1967					
Number of Workers	7.3	4.2	.3	2.8	——
Percent	100.0	57.5	4.1	38.4	——
June 1-15, 1966					
Number of Workers	10.3	6.2	.3	3.8	——
Percent	100.0	60.2	2.9	36.9	——
June 1-15, 1967					
Number of Workers	9.0	4.8	.3	3.9	——
Percent	100.0	53.3	3.4	43.3	——
July 1-15, 1966					
Number of Workers	19.8	11.2	.8	7.8	——
Percent	100.0	56.6	3.9	39.5	——
July 1-15, 1967					
Number of Workers	16.4	8.2	.5	7.7	——
Percent	100.0	50.0	3.0	47.0	——
August 1-15, 1966					
Number of Workers	20.8	8.9	.9	11.0	——
Percent	100.0	42.8	4.3	52.9	——
August 1-15, 1967					
Number of Workers	22.4	8.0	.7	13.7	——
Percent	100.0	35.7	3.1	61.2	——
September 1-15, 1966					
Number of Workers	26.8	10.4	.9	15.4	.1
Percent	100.0	38.8	3.4	57.4	.4
September 1-15, 1967					
Number of Workers	25.8	8.7	.9	15.8	.4
Percent	100.0	33.7	3.5	61.2	1.6

*ES 223 Agricultural Reporting Areas revised as of May 1, 1967

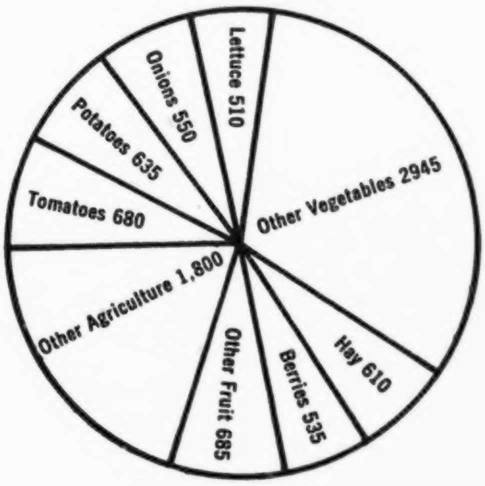
New York State Estimated Employment of Seasonal Hired Agricultural Workers

May 16-31, 1967
(7280 workers)



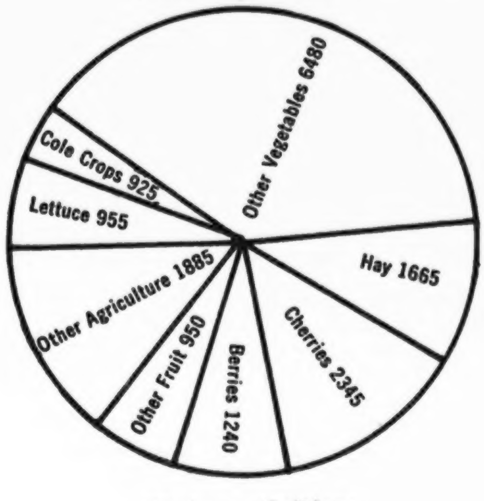
Major activities:
Planting and cultivating crops
and spraying fruits.

June 1-15, 1967
(8950 workers)



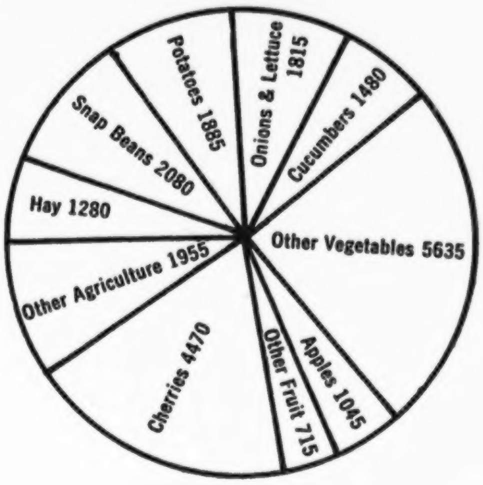
Major activities:
Planting and cultivating,
weeding and harvesting.

July 1-15, 1967
(16,445 workers)



Major activities:
Harvesting, cultivating
and spraying.

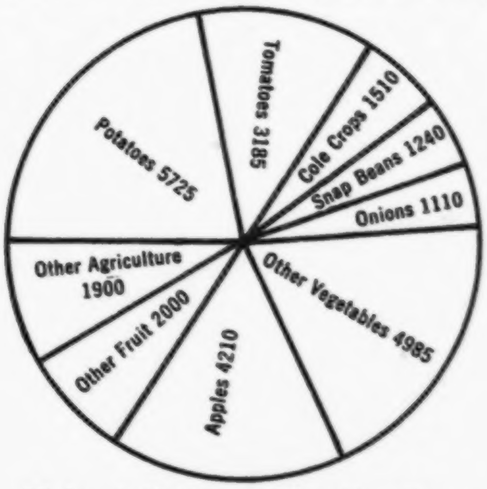
August 1-15, 1967
(22,360 workers)



Major activities:
Harvesting vegetables, cherries
and field crops and spraying.

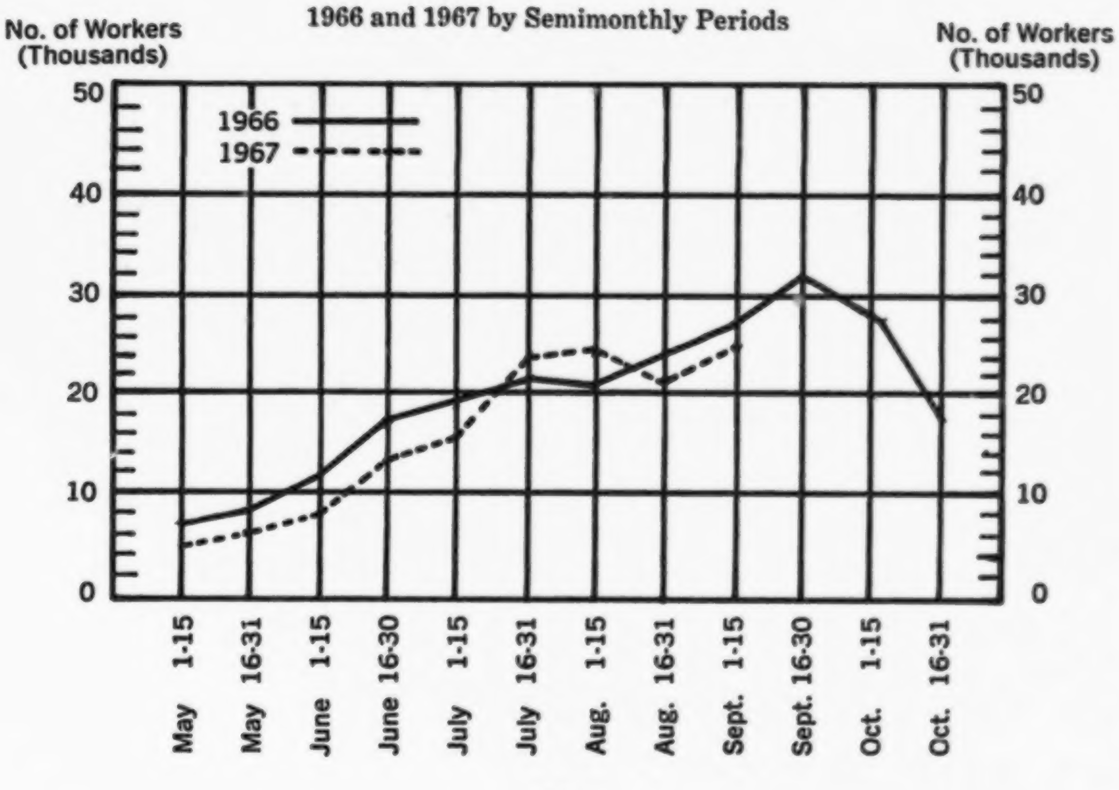
New York State Estimated Employment of Seasonal Hired Agricultural Workers (continued)

September 1-15, 1967 (25,865 workers)



Major Activities: Harvesting Crops

1966 and 1967 by Semimonthly Periods



Summary — ES 23 Report Local Office Agricultural Qualitative and Evaluation Summary May 1967

Local Office	New Applications	Openings	Seas. Openings	Referrals	Placements	Seas. Placements	Plcmts. Under 22	Acceptances	Emp. Visits	70000 Time	Other Than 70000	Leave Time	Meet. Attend.
Albion	3	265	261	21	176	173	2	0	76	424.1	57	17.1	2
Amsterdam	2	22	20	2	1	0	1	0	40	163.2	0	1.2	3
Auburn	10	2	1	1	0	0	0	0	39	151.2	0	13.2	0
Binghamton	80	55	45	4	1	0	0	0	54	137.2	20	7.2	0
Buffalo	0	292	292	818	292	292	0	526	20	656.2	0	3.2	1
Canandaigua	5	5	0	6	3	0	1	0	30	113.2	0	54	0
Cortland	7	15	6	8	4	0	2	0	37	150	0	15	2
Dansville	4	5	2	5	3	0	0	0	25	140	20	0	0
Dunkirk	5	107	100	19	76	72	0	0	39	254	14	19.2	1
Elmira	3	12	0	16	9	0	5	0	14	154	7.2	16.2	0
Hornell	0	7	3	3	1	0	1	0	26	156.1	0	1.1	2
Hudson	5	58	46	29	17	6	4	0	38	200	1	18.2	1
Kingston	1	658	654	473	1	0	0	0	37	198.2	6.2	9	1
Lockport	3	248	244	5	246	244	1	1	9	30	0	0	0
Newark	5	629	605	47	26	24	5	0	25	174.2	19	14	3
Newburgh	3	106	96	148	200	198	2	0	57	334.2	0	2.2	2
Ogdensburg	11	18	11	31	16	0	2	3	16	144	21	15	0
Oneonta	2	6	3	8	17	11	2	0	21	121.2	0	52.2	0
Oswego	7	18	11	14	13	2	8	0	60	247.2	0	9.2	1
Poughkeepsie	8	38	26	148	11	4	1	0	47	162	0	7.2	3
Riverhead	7	536	529	20	17	14	2	0	30	316.2	61.2	17.2	3
Rochester	28	189	158	154	143	122	10	0	45	354.2	112.2	19.2	5
Syracuse	7	82	61	68	65	61	0	0	44	313	24	27	2
Utica	6	28	20	940	30	24	3	0	138	320	0	30	0
Warsaw	5	10	4	10	2	0	1	0	24	164	4	23.2	1
Watertown	2	9	3	6	5	3	1	0	9	133	.2	30	0
New York City	235	159	87	166	20	0	6	107	0	989	0	44	1
Totals	454	3579	3288	3170	1395	1250	60	637	1000	6707.2	368.2	169.2	34
Total Jan.-Apr.	713	16295	15069	5427	1451	954	173	87	2178	1793.2	1554.3	1697	209
Total to Date	1167	19874	18357	8597	2846	2204	233	724	3178	24639	1923.1	1866.2	243

Point one denotes one-quarter hour; point two denotes one-half hour, etc.